

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg No: 2010 43186
Issue No: 6019
Case No: [REDACTED]
Hearing Date:
December 6, 2010
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for hearing. After due notice, a telephone hearing was conducted by the undersigned in Detroit, Michigan on December 6, 2010. The Claimant was present and testified. Ollie Perin FIM appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's Child Development and Day Care (CDC) case ?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material and substantial evidence on the whole record, finds as material fact:

1. The Claimant's Child Day Care benefits were ended and her CDC case was closed in February 2010, when the Claimant did not complete her redetermination.
2. The Claimant requested Child Day Care because she needed assistance with child care due to her own health conditions.

3. The Claimant needed assistance with washing and cooking.
4. The Department sent a medical needs form to the Claimant on March 27, 2010 and a new application was also sent to the Claimant.
5. The Claimant's CDC case closed February 27, 2010.
6. The Department denied the Claimant's request for CDC because she was not eligible for Child Day care because the Department did not receive the redetermination by the due date.
7. The Department forwarded the Claimant's medical needs form to the Department of Community Health, as the Department does not handle chore services applications.
8. The Claimant testified that she filed her redetermination forms on February 7, 2010.
9. The Claimant received a medical needs form on May 1, 2010 and returned the form on May 14, 2010. The Claimant's doctor indicated that, based on her medical condition, the Claimant need assistance with meal prep, shopping, laundry, and house work.
10. The claimant's medical conditions do not qualify her for child day care based on her medical needs.
11. None of the Claimant's children, who are under age 16, are disabled and receiving SSI.
12. The claimant is disabled.
13. The Department denied the Claimant's CDC again on June 13, 2010. This denial is not the subject of this hearing.
14. The chore services application is processed by the Department of Community Health.
15. The claimant filed a hearing request dated April 20, 2010. The request was received by the Department on April 28, 2010.

CONCLUSIONS OF LAW

The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990,

and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (formerly known as the Family Independence Agency) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Program Reference Manual (PRM).

In this matter, the Claimant did not respond in a timely manner to the redetermination which was required to be completed in February 2010. Additionally, based on the testimony of the claimant, her request for CDC benefits does not meet any of the need requirements to be eligible to receive CDC. While the closure of the Claimant's CDC case for failing to return the redetermination was correct, the Department would also be required to deny benefits based on the Claimant's failure to meet the need requirements of the BEM 703. In order to resolve this matter, it is necessary to review the eligibility requirements for receiving CDC.

The goal of the Child Development and Care (CDC) program is to preserve the family unit and to promote its economic independence and self-sufficiency by promoting safe, affordable, accessible, quality child care for qualified Michigan families.

The Department of Human Services (DHS) may provide a subsidy for child care services for qualifying families when the parent(s)/substitute parent(s) is **unavailable** to provide the child care because of employment, participation in an approved activity and/or because of a health/ social condition for which treatment is being received **and** care is provided by an eligible provider. BEM 703, page 1.

In order to establish eligibility for CDC, need criteria for CDC must be met.

A recipient, in order to be eligible for CDC, must meet all of the above requirements. In the present matter, the issue of eligibility, based on demonstration of need as defined by Department Policy, is at issue.

Need is defined as follows:

There are four CDC need reasons. Each parent/substitute parent of the child needing care must have a valid need reason during the time child care is requested. Each need reason must be verified and exists only when each parent/substitute parent is unavailable to provide the care because of:

- Family preservation
- High school completion
- An approved activity
- Employment

BEM 703

In order to establish eligibility for Family preservation, a Claimant has to be unable to provide care because of their own participation in a treatment program for their health or social condition. BEM 703 page 5. This category does not provide a basis to establish eligibility as this provision is based upon the parent's needs due to attendance at a treatment program.

Likewise, the Claimant was not completing high school or employed and thus is not eligible under these criteria.

The final basis for eligibility based on need, is an approved activity which is defined as follows:

Child care payments may be approved under this need reason when a client needs child care to participate in an employment preparation and/ or training activity or a post-secondary education program. The activity or education program must be approved by one of the following:

- DHS
- MWA
- Refugee services contractor
- Tribal employment preparation program
- Michigan Rehabilitation Services (MRS)

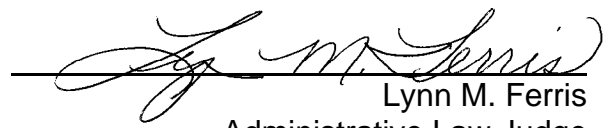
BEM 703, pages 5 - 13.

Again, this basis for need requires participation by the parent in a program like Michigan Works or Work First. Based upon the testimony of the Claimant, training and employment preparation was not the basis for her application for CDC benefits. The Claimant is encouraged to continue to seek assistance with chore services and to follow up with the Department of Community Health.

Based on the record presented by the Department at the hearing and the testimony of the Claimant, the Department properly denied the Claimant's CDC application as the need requirement was not met by the Claimant.

DECISION AND ORDER

The Administrative Law Judge, based upon the findings of fact and conclusions of law, finds that the Department's denial of the Claimant's CDC application must be upheld and is AFFIRMED.


Lynn M. Ferris
Administrative Law Judge
for Duane Berger, Director
Department of Human Services

Date Signed: 01/21/11

Date Mailed: 01/21/11

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this

Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

LMF/dj

cc:

