

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

IN THE MATTER OF:



Reg. No: 201044462
Issue No: 1000, 6019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 28, 2010
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on September 28, 2010. Claimant appeared and testified. During the hearing it was determined that no negative action has been taken on Claimant's Family Independence Program (FIP) case. For that reason there is no hearable FIP issue.

ISSUE

Did the Department of Human Services properly end Child Development and Care (CDC) benefits for Claimant under the need reason of attending school?

FINDINGS OF FACT

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

- (1) Claimant was an ongoing recipient of Child Development and Care (CDC) benefits.
- (2) On April 26, 2010 the Department was informed that Claimant was taking on-line education courses in a PHD program. Claimant was sent a Notice of Case Action (DHS-1605) stating her CDC benefits would end.
- (3) On May 3, 2010 Claimant submitted a request for hearing.

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 (DHS or department) 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 Program Reference Manual (PRM).

Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

BEM 703 CDC PROGRAM REQUIREMENTS

PROGRAM OVERVIEW

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.

INTRODUCTION

Eligibility for CDC services exists when the department has established **all** of the following:

- There is a **signed application** requesting CDC services.
- Each parent/substitute parent; see Parent/Substitute Parent section in this item is a member of a valid ELIGIBILITY GROUP.
- Each parent/substitute parent (P/SP) meets the **NEED** criteria as outlined in this item.
- An eligible provider is providing the care.
- All eligibility requirements are met.

NEED

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:

1. Family preservation.
2. High school completion.
3. An approved activity.
4. Employment.

NEED REASONS

Determination of eligibility must be made in the following descending order.

1. Family Preservation
2. High School Completion
3. Approved Activity

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).

Training and educational programs must be occupationally relevant and the participant must make sufficient progress.

Training or education is occupationally relevant if:

- Upon completion of the education or training program, the client will receive a degree or certificate that will improve the client's employment opportunities, by making the client qualified for more or better jobs. Courses or programs offered by community colleges and public universities, as well as courses or programs at private institutions for which the individual is receiving a Pell Grant or Stafford Loan, are presumed to be occupationally relevant.

- The client is not enrolled in a degree or certificate program, but the specific course(s) or program in which the client is enrolled will teach the client skills that will improve the client's employment opportunities, by making the client qualified for more or better jobs. Online educational programs can only be approved if all of the following three requirements are met:
- Attendance is mandatory.
- The number of required hours of online attendance time is verified.
- Attendance is required at specific, regularly scheduled times. If the program is self-paced and can be completed at any time, care can not be approved for this need reason.

Better jobs include those that offer higher pay, more benefits (such as health insurance, paid sick and vacation leave, on site child care, flexible scheduling, etc.) or better opportunities for advancement than the jobs for which the client is qualified before the education or training.

Verification of occupationally relevant is not needed unless questionable. Verification may be provided by written statements from, or collateral contacts with, education or training providers or MWA. Verification may also include newspaper or magazine articles or other reliable sources in the community.

Sufficient progress is defined as achieving at least a 2.0 on a 4.0 scale or pass on a pass/fail grade scale. A participant's failure to make sufficient progress will end the child care benefits for this need reason. Verify sufficient progress at the end of the term, semester, program end date or review date.

Child care benefits must not be approved beyond a bachelor degree. There is no work participation requirement, however a non-cash recipient participant (this includes recipients of Short Term Family Support) may not reduce their earnings/employment to participate in the training/educational program. This does not apply to summer jobs for participants that are already in an approved program. The participant's eligibility must be reviewed and re-verified whenever the term, semester or program ends, whichever is earliest. The authorization end date must not exceed the term, semester or program end date.

In this case it is undisputed that Claimant was pursuing on line classes in a PHD program. The policy cited above clearly states that CDC benefits are not authorized for education beyond a Bachelor's Degree. Claimant was not eligible for CDC benefits based on participation in an education program.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly ended Child Development and Care (CDC) benefits for Claimant under the need reason of attending school.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHeld.

/s/_____

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 6, 2010

Date Mailed: October 7, 2010

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.

GFH/vc

cc:

