

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

IN THE MATTER OF:



Reg. No.: 2010-50647
Issue No.: 6019
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 22, 2010
DHS County: Macomb (20)

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

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 November 22 2010. Claimant participated in the hearing via telephone conference call.

ISSUE

Did the Department of Human Services (DHS or department) properly terminate claimant's Child Development and Care (CDC) payments?

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 CDC services based upon participation in a Michigan Works approved educational program.
2. Claimant provided the department with verification of her enrollment in [REDACTED] [REDACTED] for a term ending May 15, 2010. (Department Exhibit #1.)
3. The department paid claimant's CDC provider through July 3, 2010.
4. On July 14, 2010, the department sent claimant a Verification Checklist, DHS-3503, and a Child Care Education Verification form, DHS-4578, requesting verification of claimant's participation in an approved educational activity. The document indicated that claimant's proof were due by July 26, 2010. (Department Exhibits #2, 3, and 5.).

5. On July 20, 2010, claimant filed a hearing request seeking CDC payment.
6. On July 26, 2010, claimant provided the department with verification of her previous enrollment in [REDACTED] for a term ending July 15, 2010.
7. The department pended claimant's CDC case while waiting for requested verification until September of 2010. Thereafter, claimant's CDC case was closed for failure to provide verification of ongoing eligibility.

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 provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Relevant departmental policy in this matter is as follows:

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 Item 703, p. 1.

Child care payments may be approved ... 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 Item 703, p. 8.

Verification may be provided by written statements from, or collateral contacts with, education or training providers or MWA... BEM Item 703, p. 9.

... for MWA and DHS assigned education activities, **verify**:

- The activity.
- The education plan approval (for FAP only).
- The number of hours of the activity.

For verification, use a copy of a document(s) containing at least the following elements:

- The name and location of the assignment.
- The begin and end date of the approved activity plan.
- The schedule for the assignment (a separate printed class schedule is acceptable) or the DHS-4578, Child Care Education Verification. ...

BEM Item 703, pp. 9 and 10.

The specialist should **obtain** this verification and **file** it in the case record:

- At application.
- At the beginning of a new term or semester.
- When there is a change in the client's enrollment status or schools.

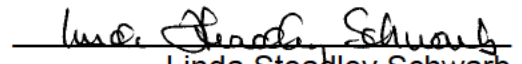
BEM Item 703, p. 10.

In this case, the department properly required verification of claimant's participation in an approved educational program. On July 14, 2010, the department sent claimant a Verification Checklist and Child Care Education Verification requesting verification of her participation in an approved educational activity. The verification was due on July 26, 2010. Claimant failed to provide the department with verification of her participation in an approved educational program. Accordingly, the department properly refused to provide child day care payments and properly closed claimant's CDC case for failure to

provide verification as required. Accordingly, the department's action in this matter must be affirmed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services properly terminated claimant's Child Development and Care payments as a result of claimant's failure to provide verification of her participation in an approved educational program. Accordingly, the department's action in this matter must be affirmed.


Linda Steadley Schwarz
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 23, 2010

Date Mailed: November 23, 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.

LSS/pf

cc:

