

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2010-51872
Issue No: 6019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 20, 2010
Ionia 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 October 20, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly deny Claimant's July 15, 2010 Child Development and Care (CDC) application?

FINDINGS OF FACT

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

- (1) On June 1, 2010 Claimant began employment at [REDACTED].
- (2) On July 15, 2010 Claimant submitted an application for Child Development and Care (CDC) benefits for one of her two children so she could work.
- (3) On July 23, 2010 Claimant quit her employment due to a family illness.
- (4) On July 27, 2010 the Department received a Medical Needs Form (DHS-54a) which stated that Claimant's husband has cervical disc disease and radiculopathy but was capable of providing daily care for his two children. The form was filled out by [REDACTED].

- (5) On July 28, 2010 Claimant was sent a Notice of Case Action (DHS-1605) denying her Child Development and Care (CDC) application.
- (6) On August 9, 2010 Claimant submitted a request for hearing.
- (7) On August 18, 2010 the Department sent a Child Care Family Preservation Need Verification (DHS-4575) to [REDACTED].
- (8) On August 25, 2010 [REDACTED] filled out the form stating that Claimant's husband has debilitating neck pain with radiculopathy and is unable to care for his 12 month old child.

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

In this case Claimant was seeking CDC for her youngest child so she could work. Claimant's husband had physical limitations due to the medical condition of his cervical spine. The child Claimant was seeking care for is an infant who was born in [REDACTED]. Care of the child would require lifting and carrying the child. The initial medical documentation the Department received stated Claimant's husband could care for his two children and the Department denied the CDC application. Subsequently different medical documentation came in addressing a different need reason for care of the youngest child. That valid documentation was dated August 25, 2010, after Claimant stopped working.

The evidence in this record does not show that the CDC Program requirements, cited above, had been met when Claimant's application was denied or at any time while Claimant was working at [REDACTED] between [REDACTED].

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 denied Claimant's July 15, 2010 Child Development and Care (CDC) application.

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 27, 2010

Date Mailed: October 29, 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/ds

cc:

