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: 201052850
Issue No: 6019
Case No: [redacted]
Load No:
Hearing Date:
October 7, 2010
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administ rative Law Judge by authority of MC L 400.9 and MCL 400.37. Claimant's request fo r a hearing was r eceived on August 20, 2010. After due notice, a telephone hearing was held on Thursday, October 7, 2010.

ISSUE

Whether the Department of Human Serv ices (Department) properly det ermined the Claimant's Child Development and Care (CDC) eligibility?

FINDINGS OF FACT

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

1. The Claimant was a CDC recipient.

2. On June 4, 2010, the Department notif ied the Claima nt that her CDC ben efits would be terminated effective June 20, 2010, becaus e her childcare provider was no longer approved by the Department. Department Exhibit 1.

3. On July 13, 2010, t he Department approved the Claimant's provider for participation in the CDC program. Department Exhibit 2.

4. On August 4, 2010, the Claima nt s ubmitted an ap plication for CDC bene fits. Department Exhibit 3.

5. The Claimant was not receiving Family Independence Program (FIP) benefits on August 4, 2010. Department Exhibit 3.

6. On August 11, 2010, the Department notified the Claimant that she was approved for CDC benefits as of August 1, 2010. The Department determined that the Claimant was eligible for a 95% childcare subsidy. Department Exhibit 4.

7. The Department received the Claimant's request for a hearing on August 20, 2010, protesting the termination of CDC benefits on June 20, 2010, and the level of childcare subsidy that the Department approved on August 11, 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 (DHS or Department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Clients have the right to choose where the care will be provided as well as the type of child care provider they wish to use. BEM 704. Care must be provided in Michigan by a provider that is regulated by Department or the Bureau of Children and Adult Licensing (BCAL). BEM 704.

The following four eligibility groups are categorically eligible and do not require an income determination:

- Protective services.
- Preventive services.
- Foster care.
- FIP/EFIP related. BEM 703.

Families who need care may qualify under this eligibility group if:

- The child needing care receives FIP, EFIP or SSI.
- The parent/substitute parent (P/SP) of the child needing care receives FIP, EFIP or SSI.

- The child or the P/SP received FIP or EFIP within the last 6 CDC biweekly pay periods.

- The family has a pending application for FIP and CDC is needed to participate in a required MWA/DHS activity. BEM 703.

The Claimant was an ongoing CDC recipient when the Department notified the Claimant that her CDC benefits would be terminated effective June 20, 2010, because her childcare provider was no longer approved by the Department. The childcare provider lost certification to participate in the CDC program when a required training program had not been completed. On July 13, 2010, the childcare provider completed the necessary training programs and became eligible to participate in the CDC program. The Claimant applied for CDC benefits on August 4, 2010, and the Department approved her for CDC benefits effective August 1, 2010.

The Department has established that it properly determined that the Claimant was not eligible for CDC benefits from June 20, 2010, through August 1, 2010, because her childcare provider was not eligible to participate in the CDC program.

The Department approved the Claimant for CDC benefits as of August 1, 2010, with a 95% childcare subsidy rate. Before June 20, 2010, the Department had covered 100% of the Claimant's childcare expenses because she was categorically eligible for CDC benefits as a FIP recipient. The Department approved the Claimant as of August 1, 2010, for CDC benefits based on her income needs and the Department determined that the Claimant was eligible a 95% subsidy of her childcare expenses. The Claimant was not categorically eligible for CDC benefits when she submitted her CDC application on August 4, 2010, because she was not receiving a FIP cash grant.

The Department has established that it properly determined that the Claimant was no longer categorically eligible for CDC benefits on August 4, 2010. The Department properly determined that the Claimant was eligible for CDC benefits as of August 1, 2010, with a 95% subsidy rate.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's CDC eligibility.

The Department's CDC eligibility determination is AFFIRMED. It is SO ORDERED.

_____/s/
Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 26, 2010

Date Mailed: October 27, 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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

KS/alc

cc: [redacted]