STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: ███████████

                 Claimant

Reg. No: 2010-6046
Issue No: 6019
Case No: ███████
Load No: ███████
Hearing Date:
July 15, 2010
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on July 16, 2009. After due notice, a telephone hearing was held on Thursday, July 15, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Child Development and Care (CDC) eligibility?

FINDINGS OF FACT

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

(1)   The Claimant was receiving CDC benefits.

(2)   The Department stopped issuing CDC benefits after April 8, 2009, because her daycare provider was no longer approved by the Department after March 26, 2009. Department Exhibit 3 – 4.

(3)   The Department received the Claimant's request for a hearing on July 16, 2009, protesting the denial of CDC benefit payments.

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).

Childcare under the CDC program must be provided by an eligible provider in Michigan. BEM 704. Eligible providers are those regulated by the Department's Bureau of Children and Adult Licensing (BCAL), or enrolled by the Department. BEM 704. Childcare providers regulated by the BCAL are child care centers, family child care homes, and group child care homes. BEM 704.

The Claimant was receiving CDC benefits. When correspondence from the Department to the Claimant's childcare provider was returned as undeliverable, the Department terminated the childcare provider's authorization to provide childcare under the CDC program.

Locating an approved childcare provider is a requirement of receiving CDC benefits. Since the Claimant's chosen childcare provider was not authorized by the Department, the Claimant was not eligible to receive CDC benefits. Therefore the Department has established

that it acted in accordance with policy when it stopped making payments to the Claimant's childcare provider on March 26, 2009.

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 when it stopped making payments to a childcare provider no longer approved by the Department.

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: __August 12, 2010__

Date Mailed: __August 12, 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/vc

cc: