

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No.: 2010-7608
Issue No.: 3019, 6019
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
March 31, 2010
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 and Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan, on March 31, 2010. Claimant appeared and testified. [REDACTED]

[REDACTED], appeared and testified on behalf of DHS.

ISSUE

Whether DHS properly denied Child Development & Care (CDC) benefits to Claimant as of August 16, 2009?

FINDINGS OF FACT

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

1. On or before August 16, 2009, Claimant received Food Assistance Program (FAP) benefits and participated in the JET program.

2. On or about August 16, 2009, Claimant requested CDC benefits.
3. On October 9, 2009, DHS denied CDC benefits to Claimant as of August 16, 2009, because she was not employed, she was not enrolled in an educational program, and she did not request child care assistance in order to preserve the family unit.
4. On November 12, 2009, Claimant requested a hearing by filing a written Notice with DHS.
5. On January 31, 2010, Claimant stopped attending the JET program.

CONCLUSIONS OF LAW

FAP was established by the Food Stamp Act of 1977 and is implemented by Federal regulations found in Title 7 of the Code of Federal Regulations (CFR). DHS administers FAP pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules 400.3001-3015. DHS' FAP policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT). These manuals are available online at www.mich.gov.

The Child Development and Care program is established by Titles IV-A, IV-E 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 CFR Title 45, Parts 98 and 99. DHS provides services to adults and children pursuant to MCL 400.14(1) and MAC-R 400.5001-5015. DHS' CDC policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). These manuals can be found online at www.mich.gov.

In this case, DHS denied Claimant's CDC benefits because she did not meet three of the eligibility categories: she was not employed, she was not enrolled in an approved educational program, and child care was not required in order to preserve the family unit.

BEM 703 states that the goal of the CDC program is to preserve the family unit and to promote family economic independence and self-sufficiency by promoting safe, affordable, accessible quality child care for qualified Michigan families. DHS may provide a child care subsidy when a parent is unavailable for one of four reasons: the parent is employed, participating in an approved education program, participating 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. Eligibility for CDC services exists when DHS has established that there is a signed application, the parent is a member of a valid eligibility group, the parent meets the CDC need criteria, an eligible provider is providing the child care, and all eligibility requirements are met. BEM 703, p. 1.

BEM 703 describes in detail the four categories of eligible CDC benefit recipients. Approved activity includes participation in the Michigan Works Agency, i.e., the JET program. BEM 703, pp. 5-12.

I conclude that Claimant was participating in an approved program and is eligible for CDC benefits as of August 16, 2009, until her departure from JET on January 31, 2010. I conclude that DHS erred in failing to consider that approved activity such as JET does qualify a FAP recipient for child care subsidy. I conclude that Claimant's August 16, 2009, Application was fully processed and was improperly denied, contrary to DHS' assertions that her Application is pending. I base this conclusion on the fact that DHS issued a Notice of Case Action to Claimant.

I find that DHS' denial of CDC benefits must be REVERSED. I find that Claimant is eligible for CDC benefits because she was involved in an approved activity during the time period in question. The DHS action in this case is, accordingly, REVERSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that DHS is REVERSED. The Department is Ordered to initiate CDC benefits for Claimant, effective August 16, 2009- January 31, 2010, in accordance with DHS policies and procedures.



Jan Leventer
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 9, 2010

Date Mailed: April 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 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.

JL/pf

cc:

