

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: 2010-7975  
Issue No: 6019  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
July 22, 2010  
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 telephone hearing was held on July 22, 2010. Claimant personally appeared and testified.

ISSUE

Did the department correctly determine that the claimant was not eligible for 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 applied for CDC payments on April 21, 2009 for her foster child.
2. Department requested additional information regarding claimant's employment on September 17, 2009, by sending her a Verification Checklist. (Department's Exhibit 10).

3. Department subsequently received a note from claimant's husband stating that he is the owner of a hair salon and that the claimant helps him out by doing volunteer work to make sure things are run correctly. This note also stated that the claimant volunteers from 9:00 am to 5:00 pm, Tuesday through Friday. (Department's Exhibit 14).

4. On September 18, 2009 department denied claimant's CDC application due to her job being a volunteer, unpaid job. Claimant requested a hearing on September 24, 2009.

#### 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 Reference Tables Manual (RFT).

Department's policy states that a person can receive CDC payments for a foster child. However, to be eligible for such payments a CDC need must exist. One of the CDC need reasons is employment. CDC payments may be approved for clients who are employed or self-employed and receive money wages, self-employment profits or sales commissions within six months of the beginning of their employment. BEM 703.

In claimant's case, she was volunteering at her husband's hair salon without getting paid for this work. A note from claimant's husband does not indicate that the claimant was entitled to any profits or sales commissions from this business, or that she would be receiving any wages,

self-employment profits, or sales commissions within six months from the date she began her volunteer work. Claimant was therefore not eligible for CDC payments for her foster child, as she did not meet CDC need requirements specified in department's policy.

Claimant stated she understands now why she was not CDC eligible and had no other statements to make prior to the conclusion of the hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly determined that the claimant was not eligible for CDC payments.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/ \_\_\_\_\_  
Ivona Rairigh  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: July 28, 2010

Date Mailed: July 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.

2010-7915/IR

IR/tg

cc:

