

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: 2010-9168

Issue No: 6019

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

July 28, 2010

Midland County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

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 conducted from Lansing, Michigan on July 28, 2010.

ISSUE

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

FINDINGS OF FACT

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

1. Claimant was participating in the Jobs, Education and Training (JET) program.
2. On August 24, 2009, Claimant applied for CDC benefits.
3. Claimant resides with her child and [REDACTED], the father of the child.

4. [REDACTED] informed the Department that he did other things during the time the child was in day care.

5. Claimant informed the Department that [REDACTED] sometimes did Neighborhood watch and slept during the daytime.

6. On September 19, 2009, the Department sent Claimant an Application Notice, DHS-1150, informing her that she was not eligible for CDC benefits because – “[REDACTED] [REDACTED] is the father of [REDACTED] and is available to care for [REDACTED] during the hours you are attending the JET program or working.” (Exhibit 3)

7. On September 29, 2009, the Department received Claimant’s hearing request. (Exhibit 2)

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 Bridges Reference Manual (BRM).

In the instant case, based on the testimony and exhibits offered at hearing, I find that the Department established that it acted in accordance with policy in determining Claimant’s eligibility for CDC benefits. There is no question that the child’s father was

available to care for the child while Claimant was participating in the JET program based on the information provided to the Department by both [REDACTED] and Claimant.

DECISION AND ORDER

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

Accordingly, the Department's CDC eligibility determination is AFFIRMED, it is SO ORDERED.

/s/

Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 4, 2010

Date Mailed: August 4, 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 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.

SMB/tg

cc:

[REDACTED]