

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201041972  
Issue No: 6019  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
August 2, 2010  
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 hearing was held on August 2, 2010.

ISSUE

Was the claimant's CDC assistance properly denied for a noncompliance sanction on her FIP case?

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 benefits.
- (2) Claimant had been noncompliant with FIP and was sanctioned for three months.
- (3) Claimant is currently attending school.
- (4) Claimant's CDC application was denied according to the Department because claimant was under a FIP sanction.

- (5) Claimant and the Department both requested that a determination be made as to whether this denial was appropriate and whether claimant was eligible for CDC.
- (6) Claimant requested a hearing on June 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 contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

During the hearing, all parties agreed that claimant had applied for CDC and been denied due to the FIP noncompliance sanction on claimant's case. After researching the policy, the Administrative Law Judge has determined that this is not a valid reason for the denial of CDC.

There is no work participation requirement for CDC benefits. BEM 703, pg 9. This would mean that claimant could be potentially eligible for CDC regardless of the status of her FIP case. In order to be eligible for CDC, claimant may participate in an employment preparation and/or training activities or a post-secondary education program. The activity or education program can be approved by DHS, and does not need to be approved by JET. BEM 703, pg 8. Training and educational programs must be occupationally relevant and the participant must make sufficient progress; however,

there is no requirement that claimant not be under a FIP sanction. Furthermore, claimant could be approved for CDC for activities that would normally not be approved as a required activity for FIP work requirement purposes.

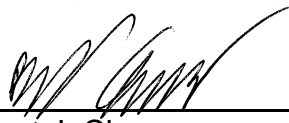
Therefore, as the claimant's FIP noncompliance status is irrelevant to claimant's CDC eligibility, the Department was in error when denying claimant's CDC application for that reason. The Department must process claimant's CDC application and make appropriate determinations as to whether claimant's activity is an approved activity, per the policy contained in BEM 703.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to deny claimant's CDC application was incorrect.

Accordingly, the Department's decision is, hereby, REVERSED.

The Department is ORDERED to process claimant's CDC application and make a determination as to claimant's CDC eligibility as provided by BEM 703.



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Robert J. Chavez  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 08/11/2010

Date Mailed: 08/11/2010

**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.

RJC/dj

cc:

