

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

IN THE MATTER OF:



Reg. No: 2010-5391

Issue No: 6019

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

July 07, 2010

Bay County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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 7, 2010. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly deny claimant's Child Development Care (CDC) benefits?

FINDINGS OF FACT

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

- (1) On Jun 26, 2009, claimant filed an application for CDC benefits due to educational need.
- (2) Documentation for [REDACTED] states that she would be in classes from November 10, 2008 through July 31, 2009, from 5:30-10:00 p.m. (Monday-Thursday).
- (3) Claimant's documentation submitted on July 13, 2009, stated that the father of the children, S. C., living in the home would have a work schedule for June and July of 8 am to 5 pm (Monday – Friday).
- (4) CDC services were denied since the father was available during the hours requested.

- (5) On July 31, 2009, the department case worker sent claimant notice that her application was denied.
- (6) On August, 14, 2009, claimant filed a request for a hearing to contest the department's negative action.

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 MC L 400.14(1) and M AC R 400.5001-5015. Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The goal of Child Development and Care Program is to preserve the family unit and to promote its economic independence and self-sufficiency by promoting safe, affordable, accessible, quality child care for qualified Michigan families. The Department of Human Services may provide a subsidy for child care services for qualifying families when the parent/parents substitute is unavailable to provide the child care because of employment, participation in approved activity and/or because of a health/social condition for which treatment is being received and care is provided by an eligible provider (BEM, Item 703, p.1).

There are 4 CDC need reasons. Each parent/substitute parent of the child needing care must have a valid reason during the time the child care is requested. Each need reason must be verified and exists only when each parent/substitute parent is unavailable to provide the care because of:

1. family preservation
2. high school completion
3. an approved activity
4. employment.

The department is to consider need reason separately to determine the appropriate eligibility group. More than one eligibility group and/or need reason may exist in some cases, BEM, Item 703, p. 3.

CDC payments may be approved for clients who are employed or self-employed and receive money wages, self-employment profits or sales commissions within 6 month of the beginning of their employment, BEM, Item 703, p. 11. Verification is needed for CDC program requirements. The department is to use one of the following as tools to verify the need for CDC based on employment:

- a copy of a work schedule indicating the number of hours worked
- pay stubs indicating the number of work hours
- DHS-38 verification of employment completed by the employer
- Agriculture worker income verification completed by the employer
- Signed statement by the employer that contains:
 - Employment begin date
 - Number of hours client worked
 - For income eligible clients, dates and the months of the clients paychecks for the requested periods. (BEM, Item 703, p. 12)

The DHS-4109 attendance report may be used to verify hours of employment when the clients work schedule fluctuates. BEM, Item 703, p.12.

In the instant case, claimant provided verification information that she was attending classes from 5:30p.m. until 10:00p.m. and her husband/significant other would be working from 8:00a.m. until 5:00p.m. Therefore, based upon the verification information provided to the department one of the children's parents would be available to take care of the children at all times during the day. Therefore, this Administrative Law Judge finds that the department has established the necessary competent, material and substantial evidence on the record that it was acting in compliance with department policy when it determined that the father was available during the hours requested for CDC care. The claimant did not provide verification information at the hearing that her significant other/father of the children was working the same hours as she was attending school.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department has appropriately established on the record that it was acting in compliance with department policy when it denied claimant's application for Child Development and Care Program benefits based upon its determination that the father was available during the hours requested.

Accordingly, the department's decision is AFFIRMED.

Landis

/s/ _____
Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 1, 2010

Date Mailed: September 2, 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.

LYL/alc

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