

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.: 2010-7142
Issue No.: 6019
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
March 11, 2010
Wayne County DHS (76)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on March 11, 2010. The Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Manager, appeared and testified.

ISSUE

Did DHS properly close Claimant's Child Development and Care Program (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. Claimant was an ongoing CDC recipient.
2. Claimant received CDC for her attendance at Jobs, Employment and Training (JET) program.

3. JET approved Claimant to perform community service at Detroit Rescue Mission.
4. JET learned that Claimant failed to attend her community service beginning week ending 8/29/09.
5. JET mailed two letters (dated 8/31/09 and 9/14/09) to Claimant regarding her failure to attend her community service assignment.
6. Claimant had no other need reason for CDC except her community service assignment.
7. DHS, based on information from JET, scheduled to close Claimant's CDC case on 11/3/09.
8. Claimant submitted a Hearing Request on 11/09/09 protesting the closure of her CDC.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The goal of the Child Development and Care (CDC) 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. BEM 703. The Department of Human Services (DHS) may provide a subsidy for child care services for qualifying families when the parent(s)/substitute parent(s) is **unavailable** to provide the child

care because of employment, participation 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. Id.

BEM 703 goes on to state, “Eligibility for CDC services exists when the department has established **all** of the following...Each parent/substitute parent (P/SP) meets the need criteria as outlined in this item.” Claimant qualified for CDC based on the approved activity of volunteering for Detroit Rescue Mission. When Claimant stopped attending Detroit Rescue Mission, Claimant had no need reason for receiving CDC.

Claimant contends that she attended her volunteer assignment in 9/2009 and only missed her assignment for two weeks in 10/2009 when she was away from home for a funeral. Claimant did not submit any documentation which verified that she attended her volunteer assignment since 8/21/09. JET documentation indicates that attempts were made to confirm Claimant’s attendance but Claimant never responded to mailed correspondence inquiring about Claimant’s attendance. It is found that Claimant stopped attending her volunteer assignment after 8/21/09.

Claimant also contended that an out of town funeral caused her to miss time with her community service assignment. Claimant’s funeral attendance is irrelevant. A funeral is not a basis to receive CDC. Without an appropriate reason to receive CDC, DHS correctly closed Claimant’s CDC case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS correctly closed Claimant’s CDC case.

Accordingly, the action of DHS is AFFIRMED.



Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 3/29/2010

Date Mailed: 3/29/2010

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.

CG/jlg

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