

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

IN THE MATTER OF:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on [REDACTED]. After due notice, a telephone hearing was held on [REDACTED].

**ISSUE**

Whether the Department of Human Services (Department or DHS) properly determined the Claimant's Child Development and Care (CDC) eligibility?

**FINDINGS OF FACT**

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

1. The Claimant applied for Child Development and Care (CDC) benefits on [REDACTED].
2. On [REDACTED], the Department notified the Claimant that his chosen childcare provider was not an approved CDC childcare provider. The Department gave the Claimant 10 days to select an approved childcare provider.
3. The Department terminated the Claimant's CDC benefits when the Claimant failed to submit an application for a new childcare provider by the due date.
4. The Department received the Claimant's request for a hearing on [REDACTED] protesting the termination of his CDC benefits.

**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 found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Clients have the right to choose the type of child care provider they wish to use. Care must be provided in Michigan by an eligible provider. Eligible providers are those monitored by the Department, Bureau of Children and Adult Licensing (BCAL), or enrolled by the Department. BEM 704.

The Claimant applied for Child Development and Care (CDC) benefits on [REDACTED] [REDACTED] the Department notified the Claimant that his chosen childcare provider was not an approved CDC childcare provider. The Department gave the Claimant 10 days to select an approved childcare provider. The Department terminated the Claimant's CDC benefits when the Claimant failed to submit an application for a new childcare provider by the due date.

A CDC provider applicant whose enrollment is denied for any reason or CDC providers whose enrollment is denied or terminated as a result of a criminal conviction or pending prosecution may request an administrative review through the Department of Human Services. Administrative reviews are completed by the Department of Human Service Central Office staff. A CDC provider may request administrative review of the denial or termination of provider enrollment using form DHS-759, which instructions CDC providers to send all administrative review documentation to the Department of Human Services central office in Lansing, MI.

This hearing is not an administrative review of the denial by DHS of the childcare provider's enrollment. This hearing, conducted by the State Office of Administrative Hearings and Rules (SOAHR) for DHS was conducted on the request of the Claimant to review whether the Department properly terminated his CDC benefits.

According to Administrative Rule 400.903, SOAHR may only grant a hearing if an applicant's claim for assistance is denied or is not acted upon with reasonable promptness, or if a recipient is aggrieved by a Department action resulting in a suspension, reduction, discontinuance, or termination of assistance.

The Claimant argued that the Department wrongly refused to approve his chosen childcare provider. The Claimant submitted documentation showing that his childcare provider does not have a criminal record.

However, the Claimant does not have standing to challenge the Department's refusal to enroll his chosen childcare provider. The Department terminated the Claimant's CDC benefits in accordance with policy because his chosen childcare provider was not approved by the Department. The Department will not grant CDC benefits to a client that has not chosen an approved childcare provider.

Therefore, the Department's has established that it acted properly when it terminated the Claimant's CDC benefits because he failed to select an approved childcare provider by the due date set by the Department.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's Child Development and Care (CDC) eligibility.

The Department's Child Development and Care (CDC) eligibility determination is AFFIRMED. It is SO ORDERED.

\_\_\_\_\_/s/ \_\_\_\_\_  
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Date Signed: \_\_4/7/11\_\_\_\_\_

Date Mailed: \_4/7/11\_\_\_\_\_

**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 60 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.

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