

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 201121630
Issue No: 6019
Case No: [REDACTED]

Hearing Date:
May 26, 2011
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

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 February 23, 2011. After due notice, a telephone hearing was held on Thursday, May 26, 2011.

ISSUE

Whether the Department of Human Services (Department) 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 Department received the Claimant's application for Child Development and Care (CDC) benefits on December 27, 2010.
2. The Claimant requested Child Development and Care (CDC) benefits for her granddaughter.
3. The granddaughter's father resides in the Claimant's household.
4. On February 15, 2011, the Department denied the Claimant's application for Child Development and Care (CDC) benefits.
5. The Department received the Claimant's request for a hearing on February 24, 2011, protesting the denial of her Child Development and

Care (CDC) application. The request was received 9 days after the Department sent its notice of case 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 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).

For Child Development and Care (CDC) eligibility to exist for a given child, each parent/substitute parent must demonstrate a valid need reason. Parent/substitute parents (P/SP) are often the same for all the children in the family, however, there are some homes where the children may not all share the same parent/substitute parent. Therefore, parents/substitute parents must be identified separately for each child for whom Child Development and Care (CDC) is requested. Parent/substitute parent means the following persons who live in the home and are unavailable to care for the child due to a valid need reason:

- The child's legal or biological parent(s).
- The child's stepparent.
- The child's foster parent(s).
- The child's legal guardian(s).
- The applicant/client, if:
 - The child has no parent, stepparent or legal guardian who lives in the home.
 - The child's only parent/substitute who lives in the home is excluded from providing the care.

In this case, the Claimant applied for Child Development and Care (CDC) benefits for her granddaughter. The granddaughter's father resides in the home. The Claimant is not the foster parent or legal guardian, and would be eligible if the child's parent was not also a resident of the home.

Based on the evidence and testimony available during the hearing, the Department has established that it properly determined the Claimant's eligibility for Child Development and Care (CDC) benefits.

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/
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: May 31, 2011

Date Mailed: June 1, 2011

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.

KS/tg

cc:

