

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

IN THE MATTER OF:

[REDACTED]

Reg No: 2011 2627
Issue No: 6019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 13, 2010
Wayne County DHS (31)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 hearing. After due notice, a telephone hearing was conducted by the undersigned in Detroit, Michigan on December 13, 2010. The Claimant was present and testified. Paris Howard, ES and Janine Clark, Jet FIS worker appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's Child Development and Day Care (CDC) case ?

FINDINGS OF FACT

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

1. The Claimant applied for a change in CDC provider by application dated August 4, 2010. Exhibit 1

2. The Claimant's case was closed by a Notice of Case Action dated September 16, 2010 as she did not provide the necessary verifications regarding her provider. Exhibit 2
3. The Department did receive the CDC verification form and the Claimant did turn it into the Department but the provider signed the form where the Claimant should have signed as a parent or substituted parent. The Department closed the case because the form was improperly completed. Exhibit 3
4. The Claimant filed her hearing request dated September 26, 2010 protesting the closure of her case and further stated that she need CDC benefits so she could attend school in the evenings. Exhibit 4
5. The Claimant was not entitled to receive Child Day Care benefits as she was not working but attending school at the time she requested a new provider.
6. The Department representatives did not have the Claimant's file at the hearing.
7. The Claimant's hearing request was received by the Department on September 26, 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 (formerly known as the Family Independence

Agency) 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 Program Reference Manual (PRM).

At the time of her application to change her provider, the Claimant's testimony was that she was not employed but was attending school in the evening at the time her case was closed. In order to resolve this matter it is necessary to review the eligibility requirements for receiving CDC.

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.

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. BEM 703, page 1.

Eligibility for CDC services exists when the department has established **all** of the following:

There is a **signed application** requesting CDC services.

Each parent/substitute parent (see Parent/Substitute Parent section in this item) is a member of a valid **ELIGIBILITY GROUP**.

Each parent/substitute parent (P/SP) meets the **NEED** criteria as outlined in this item.

An eligible provider is providing the care.

All eligibility requirements are met.

A recipient, in order to be eligible for CDC, must meet all of the above requirements. In the present matter, the issue of eligibility based on demonstration of need as defined by Department Policy is at issue.

Need is defined as follows:

There are four CDC need reasons. Each parent/substitute parent of the child needing care must have a valid need reason during the time 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:

- Family preservation
- High school completion
- An approved activity
- Employment

In order to establish eligibility for Family preservation, a Claimant has to be unable to provide care because of their own participation in a treatment program for their health or social condition. BEM 703 page 5. This category does not provide a basis to establish eligibility as this provision is based upon the parent's needs due to attendance at a treatment program.

Likewise, the Claimant was not completing high school, or employed and thus is not eligible under these criteria.

The final basis for eligibility based on need, is an approved activity which is defined as follows:

Child care payments may be approved under this need reason when a client needs child care to participate in an employment preparation and/ or training activity or a post-secondary education program. The activity or education program must be approved by one of the following:

- DHS
- MWA
- Refugee services contractor

- Tribal employment preparation program
- Michigan Rehabilitation Services (MRS)

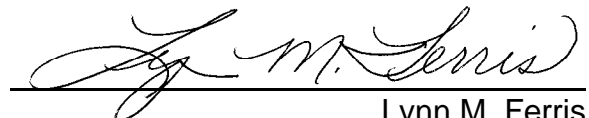
BEM 703, pages 5 - 13

Again, this basis for need requires participation by the parent in a program like Michigan Works or Work First. Based upon the testimony of the Claimant, training and employment preparation was not the basis for her application for CDC benefits.

Based on the record presented by the Department at the hearing and the testimony of the Claimant, while the Department should have allowed the Claimant to correct the signature problem with regard to her provider's error in signing the verification in error rather than close her existing case, the Claimant is otherwise ineligible. Notwithstanding the closure for a clerical error, the Department would have had to close the Claimant's CDC case for the reason that she did not have a valid need and was not eligible for CDC benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the findings of fact and conclusions of law, finds that the Department's denial of the Claimant's CDC application must be upheld and is AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 01/20/11

Date Mailed: 01/21/11

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 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.

LMF/dj

cc:

