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

IN THE MATTER OF:

	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2012-42317 6015 July 16, 2012 Wayne (57)
ADMINISTRATIVE LAW JUDGE: Michael J.	Bennane	
HEARING DI	ECISION	
This matter is before the undersigned Administrant MCL 400.37 following Claimant's request telephone hearing was held on July 16, 2012, behalf of Claimant included the claimant and the Department of Human Services (Department)	for a hearing. After d from Detroit, Michigai Particip	ue notice, a
ISSU	<u>E</u>	
Due to a failure to comply with the ve rific properly ⊠ deny Claimant's application ☐ clobenefits for:	ation requirements, obse Claimant's case [
☐ Family Independence Program (FIP)? ☐ Food Assistance Program (FAP)? ☐ Medical Assistance (MA)?		assistance (SDA)? ent and Care (CDC)?
FINDINGS O	OF FACT	
The Administrative Law Judge, based upon evidence on the whole record, including testim	the competent, mater ony of witnesses, find	
1. Cla imant ⊠ applied for □ was receiving:	□FIP □FAP □MA	□SDA ⊠CDC.
 On November 6, 2011, the Department ☑ denied Claimant's application. ☐ closed Claimant's case. ☐ reduced Claimant's benefits . 		

3.	On December 27, 2011, the Department sent notice of the denial of Claimant's application. closure of Claimant's case. reduction of Claimant's benefits.
	On March 20, 2012, Claimant filed a hearing request, protesting the denial of claimant's application. closure of Claimant's case. reduction of Claimant's benefits.
	CONCLUSIONS OF LAW
	partment policies are found in the Bridges Administrative Manual (BAM), the Bridges gibility Manual (BEM) and the Reference Tables Manual (RFT).
Re: 42 Age 313	The Family Independence Program (FIP) was established pursuant to the Personal sponsibility and W ork Opportunity Reconc iliation Act of 1996, Public Law 104-193, USC 601, et seq. The Department (formerly k nown as the Family Independence ency) administers FIP pursuant to MCL 400.10, et seq., and 1997 AACS R 400.3101-31. FI P replace ed the Aid to Depe ndent Children (ADC) program effective tober 1, 1996.
pro imp Reg Age	The Food Assistanc e Program (FAP) [fo rmerly known as the Food Sta mp (FS) gram] is establis hed by the Food St amp Act of 1977, as amend ed, and is plemented by the federal regulations contained in Title 7 of the Code of Federal gulations (CFR). The Department (formerly known as the Family Independence ency) administers FAP pur suant to MCL 400. 10, et seq., and 1997 AACS R 0.3001-3015
Sec The	The Medical Ass istance (MA) program is es tablished by the Title XIX of the Soc ial curity Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the F amily Independence Agency) administers the a program pursuant to MCL 400.10, et seq., and MCL 400.105.
for as	The State Disability Assistance (SDA) progr am which provides financial as sistance disabled persons is established by 2004 PA 344. The Depart ment (formerly known the F amily Independence Agency) administers the SDA program pursuant to M CL 0.10, et seq., and 1998-2000 AACS R 400.3151-400.3180.
and 199 The and	The Child Development and Care (CDC) program is establis hed by Titles IVA, IVE d XX of the Soc ial Security Act, the Ch ild Care and Developm ent Block Grant of 90, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Feder al Regulations, Parts 98 d 99. The Department provides services to adult and children pursuant to MCL 0.14(1) and 1997 AACS R 400.5001-5015.

Additionally, the department denied the claimant's CDC benefits because her day car e provider was not licensed.

ELIGIBLE PROVIDERS

Clients have the right to choose the type of child care provider they wish to use.

Care must be provided in Mich igan by an eligible provider. Eligible providers are:

Child care centers.
Group child care homes.
Family child care homes.
License-Exempt facilities.
Unlicensed providers.

Licensed/ Registered Providers

Child care centers and group ch ild care homes must be licensed and family child care homes must be registered by BCAL in order to receive department payment.

License-Exempt Providers

Certain child care c enters and homes which provide child care do not require licensure under 1973 PA 116. These are facilities where all p arents are on site and readily available for the entire time that the child(ren) are in care, and centers, group child care homes and family child care homes located on federal land.

License-Exempt Enrollment Process

CDC Polic y enrolls L icense-Exempt facilities with a DHS-2032, License-Exempt Provider Child Care Application. If the local office receives a request for a facility to be enrolled as a License-Exempt provider type; contact the Policy-CDC@Michigan.gov mailbox.

Unlicensed Providers

An unlicensed provider is an adu It who is 18 years or older, enrolled by the local office or CDC Policy to provide care for up to four children at a time or up to six c hildren, if all children liv e at the same addr ess or if all children are siblings, and meets one of the following categories:

Is providing care where the child lives.

Is providing care in the provider's home, not the home of the child, and is related to the child by blood, marriage or adoption as a:

Grandparent/great-grandparent.

Aunt/great-aunt.

Uncle/great-uncle.

Sibling. (BEM 704, p. 1)

Here, the proposed provider was not licensed and did not qualify as an unlicensed provider.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department properly improperly closed Claimant's case. denied Claimant's application. reduced Claimant's benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did act properly did not act properly.

Accordingly, the Depar tment's decision is AFFIRMED REVERSED for the

Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Date Signed: July 30, 2012

reasons stated on the record.

Date Mailed: July 30, 2012

NOTICE: Michigan Administrative Hearing S ystem (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order. MAHS will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion cannot be implemented within 90 days of the filing of the original request.

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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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration <u>MAY</u> be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at Michigan Administrative Hearings

Re consideration/Rehearing Request P. O. Box 30639 Lansing, Michigan 48909-07322

MJB/cl

