

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201226709
Issue No: 6019
Case No: [REDACTED]
Hearing Date: February 16, 2012
Jackson 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 January 17, 2012. After due notice, a telephone hearing was held on Thursday, February 16, 2012. The Claimant's request for a hearing indicated a grievance with the Food Assistance Program (FAP), but the Claimant testified that she was protesting the Department's handling of her application for Child Development and Care (CDC) benefits.

ISSUE

Whether the Department of Human Services (Department) properly determined that each parent and parent substitute in the Claimant's household has a valid need reason for Child Development and Care (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. The Claimant applied for Child Development and Care (CDC) benefits for her granddaughter (E.F.) on October 31, 2011.
2. The Claimant is the legal guardian of her [REDACTED] ([REDACTED]).
3. The Claimant's [REDACTED] ([REDACTED]) is the biological father of [REDACTED], and he resides in the Claimant's household.
4. The Claimant's [REDACTED] ([REDACTED]) is not employed.
5. On November 16, 2011, the Department denied the Claimant's application for Child Development and Care (CDC) benefits.

6. The Department received the Claimant's request for a hearing on January 17, 2012, protesting the denial of Child Development and Care (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).

There are four valid 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. BEM 703.

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 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. BEM 703.

A parent/substitute parent may be considered as unavailable and excluded from providing the care if a court order mandates that he/she not be alone with the child or if he/she is the person being investigated for the neglect or abuse of any child in a confirmed open Children's Protective Service case.

In this case, the Claimant applied for Child Development and Care (CDC) benefits for her [REDACTED] on October 31, 2011. The Claimant is the legal guardian of her [REDACTED]. The Claimant's [REDACTED] is the biological father of [REDACTED], and he resides in the Claimant's household. The Claimant's [REDACTED] is not [REDACTED]. On November 16, 2011, the Department denied the Claimant's application for Child Development and Care (CDC) benefits because the Claimant's [REDACTED] is considered a parent/substitute parent and he does not have a verified need for Child Development and Care (CDC) benefits.

The Claimant argued that she had been designated as the legal guardian of her [REDACTED] because he [REDACTED] is not capable of providing childcare for his [REDACTED] on a full time basis, and that he should not be considered a parent/substitute parent.

The Claimant failed to establish that her [REDACTED] is unavailable and should be excluded from providing care for [REDACTED] and she failed to offer evidence of a court order preventing [REDACTED] from being alone with [REDACTED], or that [REDACTED] is being investigated for neglect or abuse.

Therefore, the Department acted in accordance with policy when it determined that the Claimant is not eligible for Child Development and Care (CDC) benefits because there is a parent/substitute parent in the Claimant's household that does not have a verified need 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 when it determined that each parent and parent substitute in the Claimant's household failed to establish a valid need reason for Child Development and Care (CDC) benefits.

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: February 23, 2012

Date Mailed: February 23, 2012

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/tb

cc:

