

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

IN THE MATTER OF:



Reg. No: 201254589
Issue No: 6019
Case No: [REDACTED]
Hearing Date: July 12, 2012
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on July 12, 2012. Claimant and her mother appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Child Development and Care (CDC) benefits on May 20, 2012?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of Child Development and Care (CDC) benefits.
2. On March 10, 2012, Claimant's care provider's certification ended.
3. On March 5, 2012, Claimant's mother filled out a Child Development and Care Provider Application (DHS-220) and a Child Development and Care Provider Verification (DHS-4025). The 4025 did not have Claimant's required signature.
4. On March 15, 2012, Claimant was sent a Verification Checklist (DHS Form 3503) and a Child Development and Care Provider Verification (DHS-4025). The update of a certified care provider was due by March 26, 2012.
5. On May 7, 2012, the Department did not have an authorized care provider assigned to Claimant's Child Development and Care (CDC) case.

Claimant was sent a Notice of Case Action (DHS-1605) which stated her Child Development and Care (CDC) case would close as of May 20, 2012.

6. On May 14, 2012, Claimant submitted a request for hearing.

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 contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In this case Claimant asserts she turned in all the required paperwork so her CDC case should not have closed. Claimant's mother testified that she took the forms in and dropped them off at the DHS office. The Department case worker testified that Claimant's mother's application had come in and was forwarded to the appropriate office resulting in her authorization back to May 21, 2012. The Department case worker also testified that she did not get a Child Development and Care Provider Verification (DHS-4025) form for Claimant.

Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

BEM 703 CDC PROGRAM REQUIREMENTS PROGRAM OVERVIEW

The goal of the Child Development and Care (CDC) program is to reserve 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 condition for which treatment is being received **and** care is provided by an eligible provider.

INTRODUCTION

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.

One of the purposes of the Child Development and Care Provider Verification (DHS-4025) form is to show that the care provider is going to provide care for the children and that the children's parent(s) have approved the provider to care for the children. That is why the form requires the signature of both the care provider and the parent. The Child Development and Care Provider Verification (DHS-4025) filled out by Claimant's mother on March 5, 2012 did not have Claimant's signature on it. Even if the form had gotten to the Department case worker, it would not have met the requirements for CDC eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly closed Claimant's Child Development and Care (CDC) benefits on May 20, 2012.

It is ORDERED that the actions of the Department of Human Services, in this matter, are **UPHELD**.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 23, 2012

Date Mailed: July 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 90 days of the filing of the original request.

201254589/GFH

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.

GFH/tb

cc:

