

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201331761
Issue No.: 6019
Case No.: [REDACTED]
Hearing Date: June 6, 2013
County: Wayne DHS (43)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on June 6, 2013, from Detroit, Michigan. Participants included the above-named claimant. [REDACTED] testified and appeared as Claimant's authorized hearing representative (AHR). Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly denied Claimant's application for Child Development and Care (CDC).

FINDINGS OF FACT

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

1. On 11/18/12, Claimant applied for CDC benefits (see Exhibit 1).
2. Claimant's application stated that CDC was needed for medical and education-related reasons.
3. On 2/6/13, DHS denied Claimant's CDC application for lacking a valid reason for CDC benefits.
4. On 2/21/13, Claimant requested a hearing to dispute the CDC application denial

CONCLUSIONS OF LAW

The Child Development and Care (CDC) program was established by authority of the Social Security Act and the Child Care and Development Block Grant Act. The Department of Education (MDE) administers the program and sets rates and eligibility criteria. The Department of Health and Human Services (HHS) administers the program on the federal level. The Department of Human Services (DHS) is responsible for eligibility determination for the CDC program. DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

It was not disputed that Claimant applied for CDC benefits on 11/18/12. DHS contended that Claimant's application was properly denied because Claimant did not have a valid need reason for CDC. Claimant's CDC application (Exhibit 1) asserted two need reasons for CDC, for Claimant to attend beauty school and for medical reasons.

There are four valid CDC need reasons. BEM 703 (4/2012), p. 3. 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 or employment. *Id.*

Family preservation allows CDC eligibility for persons who are unable to provide care due to a condition for which they are being treated by a physician. *Id.*, p. 3. Claimant contended that she was such a person. DHS failed to establish that Claimant was ever considered for CDC eligibility for this reason.

Child care payments may be approved for an approved activity when a client needs child care to participate in an employment preparation and/ or training activity or a post-secondary education program. *Id.*, p. 7. It was not disputed that Claimant's application cited a request for CDC so that Claimant could attend beauty school. DHS failed to establish that Claimant was ever considered for CDC benefits based on this need reason.

It is found that Claimant established a potential for CDC eligibility based on two different reasons, approved activity and family preservation. It is further found that DHS never evaluated Claimant's eligibility for either of Claimant's needs. Accordingly, the CDC application denial was improper.

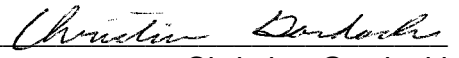
It should be noted that Claimant's AHR also alleged that Claimant additionally submitted a CDC application to DHS in 6/2012 and that DHS failed to process the application. This allegation was not addressed because there was nothing in Claimant's Request for Hearing that suggested a dispute concerning a failure by DHS to process a CDC application from 6/2012.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application for CDC benefits. It is ordered that DHS:

- (1) re-register Claimant's CDC application dated 11/18/12;
- (2) process Claimant's application subject to the finding that Claimant asserted two valid need reasons for CDC, medical reasons and attendance at beauty school; and
- (3) initiate supplement of any benefits improperly not issued.

The actions taken by DHS are REVERSED.


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

Date Signed: 6/25/2013

Date Mailed: 6/25/2013

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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.

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

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** 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
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

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cc:



MAHS