

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

**IN THE MATTER OF:**



Reg. No: 201357487  
Issue No:  
Case No:  
Hearing Date: October 29, 2013  
Kent County DHS

**ADMINISTRATIVE LAW JUDGE:** William A. Sundquist

**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 a hearing. After due notice, an in-person hearing was held on Wednesday, November 23, 2011. Claimant personally appeared with her authorized representative, from L&S Associates, Inc.

**ISSUE**

Was constant medical care of a 13 year old child required due to a medical condition?

**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 applied for CDC on May 15, 2013, was denied on June 14, 2013 per BEM 703, page 1, and requested a hearing on June 24, 2013.
2. The claimant's son was 13 with a chronic asthma condition.
3. Medical report dated May 17, 2013 states the son needs supervision if he has respiratory distress (claimant Exhibit 1, pages 1 and 2).
4. Medical report dated July 8, 2013 states the son had an asthma attack and to continue home medications as prescribed by your physician (claimant Exhibit 1, page 3).
5. The son is able to attend school 6 miles away from home on a full-time basis and is doing well academically

## **CONCLUSIONS OF LAW**

Facts above are undisputed.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 t o 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

### **ELIGIBLE CHILDREN**

The child(ren) needing day care services must be:

- (1)
  - . under age 13; **or**
  - . age 13 but under age 18, and
- (2)
  - .. unable to dress, feed, or care for him/herself due to a physical or mental handicap;
- (3)
  - .. require constant care to prevent injury to him/herself or to another due to a physical/mental/psychological condition; and/or
- (4)
  - .. supervision has been ordered by the court; **or**
- (5)
  - . age 18 and require care due to a physical/mental/ or psychological handicap or a court order, and is:
    - .. a full-time high school student, and
    - .. is reasonably expected to complete high school before reaching age 19.

(6)  
Verify need for Child Development and Care services for children over age 12 with a copy of the court order or a physician's statement. BEM, Item 703, p. 1.

## **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that constant medical care was not established.

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Accordingly, CDC denial is **UPHELD**.

/s/

William A. Sundquist  
Administrative Law Judge  
For Maura D. Corrigan, Director  
Department of Human Services

Date Signed: November 1, 2013

Date Mailed: November 1, 2013

**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.

WAS/tb

cc:

