

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201417390  
Issue No.: 3000, 6001  
Case No.: [REDACTED]  
Hearing Date: February 4, 2014  
County: Kent County DHS

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**HEARING DECISION**

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on February 4, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED] and [REDACTED].

**ISSUE**

Whether the Department of Human Services (Department) properly denied the Claimant's request 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. On October 22, 2013, the Claimant submitted an application for Child Development and Care (CDC) benefits.
2. On December 5, 2013, the Department denied the Claimant's Child Development and Care (CDC) application for failing to select an approved child care provider.
3. The Department received the Claimant's request for a hearing on December 2, 2013, protesting the denial of her Child Development and Care (CDC) application.

**CONCLUSIONS OF LAW**

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 to 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.

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. Department of Human Services Bridges Eligibility Manual (BEM) 703 (July 1, 2013), p 1.

On October 22, 2013, the Claimant submitted an application for Child Development and Care (CDC) benefits. The Claimant reported a preferred child care provider on her application for benefits.

Department records indicate that the Claimant's preferred child care provider was not approved by the Department to participate in the Child Development and Care (CDC) program at the time the Claimant's eligibility was being considered.

On December 5, 2013, the Department denied the Claimant's Child Development and Care (CDC) application.

Department policy requires that a Child Development and Care (CDC) application select an eligible child care provider. Based on the evidence and testimony available during the hearing, the Department has established that the child care provider selected by the Claimant was not approved. Therefore, the Department was acting in accordance with policy when it denied her application for Child Development and Care (CDC) benefits.


The Claimant's request for a hearing mentioned a grievance concerning the Food Assistance Program (FAP). At her hearing, the Claimant testified that she was no longer disputing the Department's actions concerning her Food Assistance Program (FAP) benefits case. Therefore, the Claimant's hearing request is dismissed with respect to the Food Assistance Program (FAP) only.

### **DECISION AND ORDER**

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied the Claimant's Child Development and Care (CDC) application.

Accordingly, the Department's decision is **AFFIRMED**.

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Kevin

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

Date Signed: February 7, 2014

Date Mailed: February 7, 2014

**NOTICE OF APPEAL:** 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

201417390/KS

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-07322

KS/hj

cc:

