

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

**IN THE MATTER OF:**

██████████  
██████████  
██████████

Reg. No.: 14-007685  
Issue No.: 6001  
Case No.: ██████████  
Hearing Date: October 9, 2014  
County: WAYNE (15)

**ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton**

**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 October 9, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Eligibility Specialist and ██████████ Eligibility Specialist.

**ISSUE**

Did the Department properly deny Claimant's application for Child Development and Care (CDC) benefits because there was no need?

**FINDINGS OF FACT**

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

1. Claimant applied for CDC benefits.
2. On June 11, 2014, the Department sent Claimant a Notice of Case Action notifying her that she had been denied for CDC benefits from February 9, 2014 through May 31, 2014 because there was no need for child day care services due to employment, education or family preservation reasons.
3. The June 11, 2014 Notice of Case Action approved Claimant for CDC benefits from June 29, 2014, ongoing.
4. Claimant was employed between February 9, 2014 and June 28, 2014.

5. On July 16, 2014, Claimant filed a Request for Hearing Disputing the Department's actions.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

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.

Additionally, Department policy holds that 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:

1. Family preservation.
2. High school completion.
3. An approved activity.
4. Employment.

Claimant applied for CDC benefits for her two children. On June 11, 2014, the Department sent Claimant a Notice of Case Action notifying her that her application for CDC benefits had been denied for the period of February 9, 2014 through May 31, 2014 but had been approved as of June 29, 2014, ongoing. The Department cited lack of need as the reason for the denial from February 9, 2014 through May 31, 2014. It should be noted that the Notice of Case Action does not address the period of time between June 1, 2014 and June 28, 2014.

Claimant testified that she was employed February 9, 2014 through June 28, 2014. The Department agreed that Claimant was employed from February 9, 2014 through May 31, 2014 and also agreed that due to Claimant's employment, there was a need for CDC benefits. Accordingly, the Department improperly denied Claimant's application for CDC benefits due to lack of need.

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 did not act in accordance with policy when it denied Claimant's application for CDC benefits for

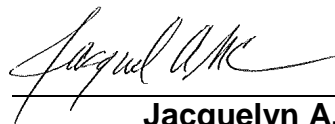
the period of February 9, 2014 through May 31, 2014 and failed to address the timeframe between June 1, 2014 and June 28, 2014.

**DECISION AND ORDER**

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reregister and reprocess Claimant's application for CDC benefits for the time period of February 9, 2014 through June 28, 2014;
2. Issue payments to providers for services rendered between February 9, 2014 and June 28, 2014 in accordance with Claimant's eligibility for CDC benefits; and
3. Notify Claimant in writing of its decision with a Notice of Case Action regarding Claimant's eligibility for CDC benefits from February 9, 2014 through June 28, 2014.



**Jacquelyn A. McClinton**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: **10/20/2014**

Date Mailed: **10/20/2014**

JAM / cl

**NOTICE OF APPEAL:** A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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:

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

CC:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]