



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

MIKE ZIMMER
DIRECTOR

[REDACTED]

Date Mailed: March 23, 2016
MAHS Docket No.: 16-001035
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

Following Petitioner'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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on March 21, 2016, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], supervisor.

ISSUE

The issue is whether MDHHS properly denied Petitioner's Child Development and Care (CDC) application due to Petitioner not having a valid need reason for all parents.

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 [REDACTED], Petitioner applied for CDC benefits.
2. As of [REDACTED], Petitioner lived in a household with a minor child and the minor child's father.
3. At the time of application, Petitioner's child's father did not have a valid need for CDC.
4. On [REDACTED], MDHHS denied Petitioner's CDC application due to Petitioner's child's father not having a valid CDC need reason.

5. On [REDACTED], Petitioner requested a hearing to dispute the CDC application denial.

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. MDHHS 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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute a denial of a CDC application. MDHHS did not present a Notice of Case Action verifying the basis for denial. MDHHS testimony credibly indicated Petitioner's application was denied because Petitioner did not have a valid need for CDC for all parents in her CDC group.

At application or redetermination, each [parent/substitute parent] must demonstrate a valid need reason. BEM 703 (October 2015), p. 4. There are four valid CDC need reasons listed below. *Id.* Each need reason must be verified. *Id.* [The need reasons are] family preservation, high school completion, an approved activity, [or] employment. *Id.*

Petitioner testified she was hired for a part-time job. Petitioner testified she works full-time hours. MDHHS did not dispute Petitioner's reason for needing CDC benefits.

Petitioner testified her child's father is also in the home. Petitioner testified he possesses a college degree and was looking for employment at the time she applied for CDC benefits. Petitioner testified she sought CDC benefits so her child's father could study to become a certified real estate agent. Petitioner testified her child's father would sometimes go to the library to study in the hopes of passing real estate licensing tests. Petitioner's testimony equated to an argument that MDHHS could have approved her child's father need for CDC.

Child care payments may be approved... when a P/SP needs child care to participate in an employment preparation and/or training activity or a post-secondary education program. *Id.*, p. 8. The activity or education program must be approved by one of the following: MDHHS, one-stop service center (OSC)/Michigan Works Association (MWA), refugee services contractor, [or] tribal employment preparation program. *Id.*, pp. 8-9. Hours of participation must be verified. *Id.*, p. 9. Training and educational programs are presumed to be occupationally relevant. *Id.* For verification, [MDHHS is to] use a copy of a document(s) containing at least the following elements: the name and location of the assignment, the begin date of the approved activity plan, the schedule for the

assignment (a separate printed class schedule is acceptable) or the DHS-4578, Child Care Education Verification. *Id.*, pp. 9-10.

Study time to obtain a real estate license, based on above-cited policy, could be construed to be an employment preparation need. The above policy will not be interpreted in such a way.

The above policy is highly suggestive that an employment preparation need is verifiable. Going to the library to study is not time that is realistically verifiable.

The above policy also appears to require some type of "assignment." "Assignment" is not defined by MDHHS but is interpreted to be some type of official job-related class or training. Self-studying is not interpreted to be an acceptable "assignment."

Petitioner testified that her husband recently enrolled in an online class to become a real estate agent. The testimony is not deemed relevant because Petitioner conceded that her child's father enrollment occurred several weeks after MDHHS denied her CDC application.

It is found Petitioner's child's father did not have a valid need reason for CDC. Accordingly, the denial of Petitioner's application was proper.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner's CDC application dated December 1, 2015. The actions taken by MDHHS are **AFFIRMED**.

CG/hw



Christian Gardocki

Administrative Law Judge

for Nick Lyon, Director

Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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 48909-8139

DHHS

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]