



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: February 24, 2017
MAHS Docket No.: 16-018906
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 January 25, 2017, from Detroit, Michigan. Petitioner appeared and was represented by her mother, [REDACTED]. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], hearing facilitator.

ISSUE

The issue is whether MDHHS properly denied Petitioner's Child Development and Care (CDC) application.

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. Petitioner was a member of a household that included her spouse and 3 minor children.
3. As of [REDACTED], Petitioner's spouse was seeking employment.
4. On [REDACTED], MDHHS denied Petitioner's CDC application, due to a lack of need for benefits by all parents and/or excess income.

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

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 CDC benefits. MDHHS presented a Notice of Case Action (Exhibit 1, pp. 1-5) dated [REDACTED]. Two reasons were given for denial. The first was that Petitioner's spouse did not have a valid need reason.

At application or redetermination, each [parent/substitute parent] must demonstrate a valid need reason. BEM 703 (April 2016), 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.* Child care may be approved for P/SPs who are employed or self-employed and receive money, wages, self-employment profits or sales commissions. *Id.*, p. 11.

It was not disputed that Petitioner's spouse was not employed at the time of Petitioner's CDC application. Petitioner testified that he was looking for employment and could not do so while caring for a baby. Petitioner's testimony implied a contention that looking for employment while caring for a small child was a valid need reason. As noted above, CDC need based on employment requires employment, not a search for employment.

It is found that MDHHS properly denied Petitioner's CDC application based on a lack of valid need for Petitioner's spouse. As the denial is appropriate based on a lack of need, the analysis need not consider if MDHHS also properly denied the application based on the second stated reason of excess income.

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 [REDACTED]. 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]

Petitioner

[REDACTED]

Authorized Hearing Rep.

[REDACTED]