



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR



Date Mailed: December 11, 2018
MAHS Docket No.: 18-010340
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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; 42 CFR 438.400 to 438.424; 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 November 21, 2016, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Emily Sziade Lead Worker. Department Exhibit 1, pp. 1-14 was received and admitted.

ISSUE

Did the Department properly deny 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], 2018, Petitioner applied for CDC benefits.
2. On September 25, 2018, Notice of Case Action was sent to Petitioner informing her that CDC benefits were denied because "Individual is not eligible because he/she does not meet Child Day Care requirements." (Ex. 1, p.11)
3. On September 27, 2018, Petitioner requested hearing disputing the denial of CDC benefits.
4. Petitioner was not a resident of Flint and her child was not attending day care in Flint at the time of application.

5. Petitioner had no valid need for day care at the time of application.

CONCLUSIONS OF LAW

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

Alternative Criteria

Alternative Criteria for the special population exist for a child who does not currently reside in the Affected Area but will experience hardship if the child does not have access to the Flint Emergency Declaration CDC benefit.

Request a policy exception to review potential approval for Flint Emergency Declaration CDC benefits when all of the following are true:

- The child is under age four at the time of application or redetermination.
- The child (or the child's mother while pregnant) consumed water from the Flint water system while living, working or attending child care or other regular activity at an address that was serviced by the Flint water system at any time during the crisis [April 25, 2014 through August 14, 2016].
- The child is still attending a regular activity (school, child care, etc.) in the Affected Area identified in this item. BEM 709


In this case, Petitioner was not a resident of Flint and her child was not in day care in Flint at the time of application. Petitioner also had no valid need reason for day care at the time of application. Therefore, the Department denial of CDC was proper and correct. BEM 709

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 Petitioner's application for CDC.

DECISION AND ORDER

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

AM/nr



Aaron McClintic
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) 763-0155; 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

Renee Olian
322 Stockbridge
Kalamazoo, MI
49001

Kalamazoo County DHHS- via electronic
mail

BSC3- via electronic mail

L. Brewer-Walraven- via electronic mail

Petitioner

