



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

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Date Mailed: September 5, 2019
MOAHR Docket No.: 19-007662
Agency No.: ██████████
Petitioner: ██████████

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; 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 August 26, 2019, from ████████ Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Cinquetta Avery, specialist, and Olivette Gordon, manager.

ISSUE

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

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 June 21, 2019, Petitioner applied for CDC benefits.
2. As of July 2, 2019, Petitioner and/or her child's father were attending or scheduled to attend Partnership. Accountability. Training. Hope. (PATH) sessions.
3. On July 2, 2019, MDHHS denied Petitioner's CDC application for the reason that Petitioner and/or her child's father did not have a valid need for CDC.
4. On July 12, 2019, Petitioner requested a hearing to dispute the denial of CDC.

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. 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 the denial of her CDC application dated August 26, 2019. A Notice of Case Action stated that Petitioner's application was denied because she and/or her child's father did not have a valid need for CDC. Exhibit A, pp. 1-5.

At application or redetermination, each parent/substitute parent (P/SP) must demonstrate a valid need reason. BEM 703 (March 2019), p. 4. There are four valid CDC need reasons. *Id.* Each need reason must be verified. *Id.* The need reasons are family preservation, high school completion, an approved activity, or employment. *Id.* The only relevant need in the present case is an approved activity.

CDC benefits may be approved when a P/SP needs the benefits to participate in employment preparation and/or training activity. *Id.*, p. 9. Such programs are presumed to be occupationally relevant. *Id.*, p. 10.

In the present case, Petitioner applied for CDC and cash benefits. As part of Petitioner's cash benefit requirements, MDHHS sent Petitioner and her child's father to PATH. MDHHS testimony acknowledged that PATH participation is a valid need reason and that denying Petitioner's application was improper. MDHHS' acknowledgement is consistent with its policy.

Given the evidence, MDHHS improperly denied Petitioner's application dated June 21, 2019, requesting CDC benefits. Petitioner is entitled to a reprocessing of her application with MDHHS recognizing PATH participation as a valid need reason for CDC.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly denied Petitioner's application requesting CDC benefits. It is ordered that MDHHS initiate the following actions within 10 days of the date of mailing of this decision:

- (1) Reregister Petitioner's CDC application dated June 21, 2019; and

(2) Process Petitioner's application subject to the finding that Petitioner's and/or her child's father's attendance at PATH is a valid need reason for CDC benefits.

The actions taken by MDHHS are **REVERSED**.

CG/jaf



Christian Gardocki
Administrative Law Judge
for Robert Gordon, 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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

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

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS (via electronic mail)

Richard Latimore
MDHHS-Wayne-57-Hearings

L Brewer-Walraven
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Petitioner (via first class mail)

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