



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

██████████
██████████
██████████, MI ██████████

Date Mailed: June 16, 2022
MOAHR Docket No.: 22-001879
Agency No.: ██████████
Petitioner: ██████ ██████

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 June 2, 2022, from Detroit, Michigan. Petitioner appeared for the hearing with her daughter, ██████ ██████ and represented herself. The Department of Health and Human Services (Department) was represented by Elizabeth Trompten, Assistance Payments Supervisor and Crystal Tjapkes, Eligibility Specialist. ██████ (██████████) served as Spanish interpreter.

ISSUE

Did the Department properly deny 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 or around ██████ ██████ Petitioner submitted an application requesting CDC benefits. (Exhibit A, pp. 6-12)
2. Petitioner confirmed that she has no minor children in the household and that she was requesting CDC assistance for care of her ██████-year-old disabled adult daughter.
3. On April 7, 2022, the Department sent Petitioner an Application Notice advising her that she was ineligible for CDC benefits because she did not have any minor children. (Exhibit A, pp. 14-17)

4. On or around [REDACTED] [REDACTED] [REDACTED] Petitioner requested a hearing disputing the Department's denial of her CDC application. (Exhibit A, pp. 4-5)

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.

The goal of the CDC program is to support low-income families by providing access to high-quality, affordable, and accessible early learning and development opportunities and to assist the family in achieving economic independence and self-sufficiency. The CDC program is intended to promote continuity of care and to extend the time an eligible child has access to child care assistance by providing a subsidy for child care services for qualifying families. BEM 703 (April 2022), p.1. In order to receive CDC benefits, the household must contain an eligible child. Department policy provides that in order to be considered an eligible child,

The child(ren) needing child care services must be one of the following:

- Under age 13 at application or redetermination.
- Age 13, but under age 18 when one of the following apply:
 - Requires constant care due to a physical/mental/psychological condition.
 - Supervision has been ordered by the court.
- Age 18 and requires constant care due to a physical/mental/psychological condition or a court order, and is all of the following:
 - A full-time high school student.
 - Reasonably expected to complete high school before reaching age 19.

BEM 703, pp. 1-2.


At the hearing, the Department witness testified that Petitioner's CDC application was denied because the household did not have any eligible children. Petitioner confirmed that she submitted her request for CDC benefits on behalf of her [REDACTED]-year-old disabled adult daughter who needed care while Petitioner was at work. There was no evidence that the household contained any eligible children. The Department provided Petitioner with the telephone number for the adult homecare department who may be able to assist her. Upon review, the Department properly denied Petitioner's CDC application, as Petitioner's [REDACTED]-year-old daughter does not meet the eligible child criteria to receive CDC benefits.

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 [REDACTED] [REDACTED] application for CDC benefits.

DECISION AND ORDER

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

ZB/ml



Zainab A. Baydoun
Administrative Law Judge

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

Via-Electronic Mail :

DHHS
Kimberly Kornoelje
Kent County DHHS
121 Franklin SE
Grand Rapids, MI 49507

BSC3
L. Brewer Walraven
MOAHR

Via-First Class Mail :

Petitioner
[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]