

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]
Claimant

Reg. No: 2008-29886
Issue No: 6015
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 20, 2009
Ionia County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on October 20, 2009. Claimant appeared and testified. Steve Speiser, FIM, appeared on behalf of the department.

ISSUE

Did the Department of Human Services (department) properly deny claimant's Child Care and Development (CDC) application for failure to provide verifications?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) Claimant applied for CDC benefits on June 20, 2008.

(2) On July 1, 2008, the department issued a Verification Checklist requesting proof of income for the month of June 2008 with a due date of July 11, 2008. (Department Exhibit 1, pg. 9)

(3) An extension of the due date to provide the income verifications was granted until July 18, 2008.

(4) Claimant testified she mailed the pay stubs to the department on July 14, 2008 from Hartford, Michigan.

(5) Claimant called the department on July 17, 2009 and reported her new job at a carnival in Hartford and that she no longer needed ongoing daycare benefits. (Department Exhibit 1, pg. 10)

(6) On July 21, 2008, the department denied the CDC application for failure to provide the verifications. (Department Exhibit 1, pg. 11)

(7) The department received the income verifications by mail on July 24, 2008. (Department Exhibit 1, pgs. 12-15)

(8) Claimant filed a hearing request to contest the CDC denial on August 20, 2008.

CONCLUSIONS OF LAW

The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990 and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (DHS or department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are found in the Program

Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manuals.

Under PAM 105, clients must cooperate with the local office in determining initial and ongoing eligibility. The department is to request verification when required by policy, when required by local office option, or when information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. PAM 130. The department is to allow 10 days to provide the verification requested and must also help clients who need and request assistance. A negative action notice is to be sent when the client indicates refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. PAM 130.

In the present case, claimant began a new job out of town in the beginning of July 2008. The department issued the Verification Checklist on July 1, 2008 for claimant to provide proof of income for the month of June 2008 with a due date of July 11, 2008. The department did grant an extension until July 18, 2008. Claimant provided credible testimony that she mailed the requested pay stubs to the department on July 14, 2008. However, the department did not receive the pay stubs by the due date and the CDC application was denied on July 21, 2008. The department received the pay stubs claimant mailed on July 24, 2008.

Based upon the foregoing facts and relevant law, it is found that the department has not provided sufficient proof that the client refused to provide verifications or that the client had not made a reasonable effort to provide them. The claimant was working cooperatively with the department and mailed the pay stubs when she was out of town with her new job on July 14, 2008. The department received claimant's pay stubs by mail on July 24, 2008. While the mail delivery was unexpectedly slow, claimant made a reasonable effort by mailing the pay stubs to the department four days prior to the due date. Accordingly, the department shall re-instate

claimant's June 20, 2008 CDC application and determine eligibility for the time period she needed the CDC benefits until her new job began in early July 2008.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant was making reasonable efforts to provide the requested verifications to the department.

Accordingly, the Department's CDC eligibility determination is REVERSED. Therefore it is ORDERED that the department reinstate claimant's June 20, 2008 CDC application and determine eligibility for the time period claimant needed the CDC benefits until her new job began in early July 2008.

/s/
Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 29, 2009

Date Mailed: October 29, 2009

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the mailing date of the rehearing decision.

CL/cv

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