

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.: 2008-30403
Issue No.: 6019
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
April 14, 2010
Wayne County DHS (27)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on April 14, 2010. Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Manager, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's 7/2/08 Child Development and Care (CDC) application due to failure to return 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 7/2/08.
2. On 8/18/08 DHS denied Claimant's CDC application due to Claimant's alleged failure to return verifications.

3. Claimant submitted a hearing request on 9/3/08 regarding her denial of CDC benefits.

CONCLUSIONS OF LAW

The CDC 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 (formerly known as the Family Independence Agency) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The Hearing Summary presented by DHS indicated that a Verification Checklist (DHS-3503) was mailed to Claimant on 7/7/08; the due date was 7/18/08. DHS requested a copy of Claimant's child provider's identification, Social Security card and a Relative Care Application. DHS contends that Claimant failed to return these documents.

DHS was unable to present the DHS-3503 because they could not locate the case folder prior to the hearing. DHS was unable to present the original worker as a witness. DHS did not submit the DHS-3503 as an attachment to the Hearing Summary. Claimant credibly testified that she did not receive the DHS-3503 and that is why she did not return the requested documents. Without the DHS-3503, the undersigned cannot verify the hearsay statements contained within the Hearing Summary. The undersigned also cannot verify to what address that it was mailed. The DHS witness did not have any first-hand knowledge of whether a DHS-3503 was mailed. In light of these facts, it must be found that DHS improperly denied Claimant's 7/2/08 application for CDC for failure to return verifications.

DECISION AND ORDER

The actions taken by DHS are REVERSED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's 7/2/08 CDC application. It is ordered that DHS reinstate Claimant's 7/2/08 request for CDC and evaluate Claimant's eligibility in accordance with policy. DHS may need to request further documents or verifications to determine Claimant's eligibility; Claimant is required to comply with such requests.



Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 4/21/2010

Date Mailed: 4/21/2010

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 receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

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