

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: 2009-14442

Issue No: 6015

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 8, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 hearing was held on April 8, 2009. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly stop claimant's Child Development and Care (CDC) benefits due to failure to provide required documents?

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 was an ongoing recipient of Child Development and Care (CDC) benefits. Claimant's Child Development and Care (CDC) case was due for review in December, 2008.

(2) On December 4, 2008, claimant was sent a letter from Michigan Rehabilitative Services (MRS) counselor [REDACTED]. The letter scheduled an appointment for December 11, 2008,

to discuss claimant's disability and whether claimant would need to participate in the Work First/Jobs, Education and Training Program (JET).

(3) On December 10, 2008, claimant's DHS caseworker sent out a re-determination packet for claimant's Child Development and Care (CDC) benefits. The packet included an application and a Verification Checklist (DHS Form 3503).

(4) The DHS caseworker reports that she never received the re-determination packet so Child Development and Care (CDC) benefits should have stopped at the end of December, 2008.

(5) On January 8, 2008, claimant submitted a request for hearing.

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 contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

PAM 210 REDETERMINATION

DEPARTMENT POLICY All Programs

The department periodically reevaluates cases to ensure that eligibility for program benefits continues.

**REDETERMINATION
SDA, CDC, MA, AMP, TMAP and FAP**

A **re-determination** is a periodic, thorough reevaluation of all eligibility factors to determine whether the group continues to be eligible for program benefits **or**, for **MA only**, whether a deductible case can remain active.

SDA, CDC, MA (except HK1, OHK) TMAP and FAP

A complete re-determination is required at least every 12 months.

**COMPLETING THE REDETERMINATION
CDC Only**

Identify and verify changes in circumstances, if any, and redetermine eligibility when the application and the requested verifications are returned. Review and document in the case record the following factors at redetermination:

- Group eligibility factors (PEM 703, Eligibility Groups).
- Need for CDC (PEM 703, Need), including the unavailability of each Parent/Substitute Parent to provide the care.
- Appropriateness of continuing an age exception (PEM 703, Eligible Children).
- Eligibility of the child care provider to be reimbursed for provision of service (PEM 704).
- All countable income, if Income Eligible (PEM 500).
- Citizenship/alien status of each child receiving care (PEM 225).
- Check the Consolidated Inquiry (CI) and if needed, **all** other available automated systems matches to see if income has started, stopped or changed.

In this case, the department caseworker has no record of receiving the required re-determination documents. Claimant testified that she turned in all the documents on December 11, 2008, when she met with Michigan Rehabilitative Services (MRS) worker

██████████ The department caseworker questioned how claimant would have the application on December 11, 2008, when it was just printed and put in the mail on December 10, 2008. Then it was discovered that claimant had in her possession (on the day of the hearing) the Child Development and Care (CDC) application that had been printed on December 10, and sent to

claimant in the mail. Claimant testified that she had spoken to the department caseworker on December 10, 2008, about keeping the December 11, 2008, appointment so claimant knew she had a re-determination due on her Child Development and Care (CDC) and filled out a new application on December 11, 2008, and turned it in to [REDACTED]

Evidence in the record does indicate that claimant met with MRS worker [REDACTED] on December 11, 2008, and submitted medical documentation to [REDACTED]. The purpose of the claimant's meeting with [REDACTED] was to determine if claimant would be required to attend the Work First/Jobs, Education and Training Program (JET). Because MRS worker [REDACTED] would have absolutely no role in processing a DHS application, it is not believed that [REDACTED] would take the Child Development and Care (CDC) application. It is overwhelmingly more likely that [REDACTED] would inform claimant to submit the CDC application to her (Claimant's) DHS caseworker. Claimant's assertion she turned in the required CDC re-determination documents on December 11, 2008, is not found credible.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly stopped Claimant's Child Development and Care (CDC) benefits due to failure to provide required documents.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 10, 2009

Date Mailed: April 13, 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 receipt date of the rehearing decision.

GFH [REDACTED]

cc: [REDACTED]