

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: 2009-22674

Issue No: 6019

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 2, 2010

Monroe County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

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 conducted from Lansing, Michigan on June 2, 2010.

ISSUE

Whether the Department properly terminated Claimant's Child Development and Care (CDC) case based upon her failure to provide requested verification(s)?

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 a CDC recipient.

(2) On January 28, 2009, the Department sent Claimant a Verification Checklist, DHS-3503, requesting a completed Verification of Employment Income, DHS-38, or recent paycheck stubs to determine the number of hours Claimant was working. The due date was February 13, 2009. (Exhibit 5)

(3) On March 11, 2009, the Department sent Claimant correspondence that it had not received the requested verifications. (Exhibit 4)

(4) On March 12, 2009, the Department received a “blank” DHS-38 attached to documentation from the Work Number. The Work Number information showed employment and income information current as of January 30, 2009 including employment status, pay period(s), pay date(s), hours worked and gross earnings. (Exhibits 2, 3)

(5) On March 18, 2009, the Department sent Claimant a Child Day Care Services Client Certificate/Notice informing her that her child daycare case would close effective March 31, 2009 because – “you no longer have a need for child daycare services due to employment, education or family preservation reasons”. (Exhibit 1)

(6) On March 31, 2009, the Department received Claimant’s hearing request protesting the termination of her CDC benefits.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. BAM 105, p. 5 Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130, p.1 Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as local office option or information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. BAM 130, p.1 The Department uses documents, collateral contacts or home calls to verify information. BAM 130, p.1 A collateral contact is a direct contact with a person, organization or agency to verify information from the client. BAM 130, p. 2 When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130, p. 2

Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the verifications requested by the Department. BAM 130, p. 4 If the client cannot provide the verification despite a reasonable effort, the time limit should be extended no more than once. BAM 130, p. 4 A negative action notice should be sent when the client indicates a refusal to provide the verification or the time period provided has lapsed and the client has not made a reasonable effort to provide it. BAM 130, p.4

Clients are allowed a reasonable opportunity to resolve any discrepancy between statements and information obtained through another source. BAM 130, p. 6 Disagreements and misunderstandings should be resolved at the lowest possible level to avoid unnecessary hearings. BAM 600, p. 11

In the instant case, the Department requested information to determine the number of hours Claimant was working. Claimant testified that she provided the Department with paycheck stubs on February 11, 2009 and at other times. The Department testified that it did not receive any paycheck stubs from Claimant in response to the Verification Checklist until March 31, 2009. However, the Department did receive information concerning Claimant's employment on March 12, 2009. The Department wanted to determine the number of hours Claimant was working. The information provided by Claimant showed that her employment status was active and she worked the following hours in the last 30 days prior to the January 28, 2009 Verification Checklist - 73.15 hours (1/30/09) and 22.85 (1/16/09). Claimant made a reasonable attempt at providing the information requested by the Department.

With the above said, I do not find that the Department established that it acted in accordance with policy in terminating Claimant's CDC benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, does not find that the Department acted in accordance with policy in terminating Claimant's CDC benefits.

Accordingly, the Department's CDC eligibility determination is REVERSED, it is SO ORDERED. The Department shall:

- (1) Reinstatement Claimant's CDC benefits retroactive to the closure date.
- (2) Issue Claimant supplemental benefits she is entitled to, if any.
- (3) Notify Claimant in writing of the Department's revised determination.

(4) Claimant retains the right to request a hearing if she would like to contest the Department's revised determination.

/s/

Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 3, 2010

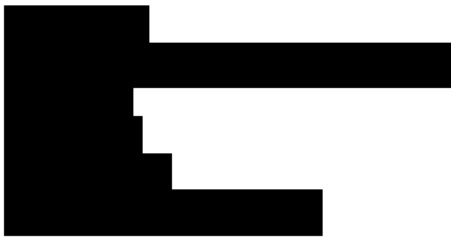
Date Mailed: June 4, 2010

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 60 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.

SMB/vc

cc:

A large black rectangular redaction box covering several lines of text in the distribution list.