

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: 2009-26370
Issue No: 6019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 21, 2009
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 July 21, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly deny claimant's Child Development and Care (CDC) application in March, 2009?

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 on December 8, 2008. On January 26, 2009, department mailed the claimant a Verification Checklist, DHS-3503, asking for return of a DHS-4025, Child Care Provider Verification, attached, by February 6, 2009. (Department's Exhibits 13 and 14).

2. Claimant did not return requested verification. On February 11, 2009, department mailed the claimant an Application Eligibility Notice denying his CDC application due to failure to provide provider information. (Department's Exhibit 11).

3. Claimant again applied for CDC on March 9, 2009. On March 11, 2009, department mailed the claimant another Verification Checklist, DHS-3503, asking for return of DHS-4025, Child Care Provider Verification, attached, by March 24, 2009. (Department's Exhibits 4 and 5).

4. Claimant did not return requested verification. On March 27, 2009, department once again mailed the claimant an Application Eligibility Notice denying his CDC application due to failure to verify provider. (Department's Exhibit 2).

5. A DHS-4025 was received on April 3, 2009, by the department completed by [REDACTED] Child Care Center Director, and giving Provider ID number. (Department's Exhibit 1). Claimant requested a hearing on May 5, 2009, stating he had called the department on numerous occasions for help with DHS-4025 with no response.

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).

Departmental policy states:

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Responsibility to Cooperate

All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. PAM, Item 105, p. 5.

Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. PAM, Item 105, p. 5.

VERIFICATION AND COLLATERAL CONTACTS

DEPARTMENT POLICY

All Programs

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements.

Obtain verification when:

- . required by policy. PEM items specify which factors and under what circumstances verification is required.
- . required as a local office option. The requirement **must** be applied the same for every client. Local requirements may **not** be imposed for MA, TMA-Plus or AMP without prior approval from central office.
- . information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party. PAM, Item 130, p. 1.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. PAM, Item 130, p. 1.

Obtaining Verification

All Programs

Tell the client what verification is required, how to obtain it, and the due date (see “**Timeliness Standards**” in this item). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification. PAM, Item 130, p. 2.

Timeliness Standards

All Programs (except TMAP)

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification you request. If the client cannot provide the verification despite a reasonable effort, extend the time limit at least once. PAM, Item 130, p. 4.

Send a negative action notice 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, Item 130, p. 4.

Only **adequate** notice is required for an application denial. **Timely** notice is required to reduce or terminate benefits. PAM, Item 130, p. 4.

In claimant’s case, he was given DHS-3503 with DHS-4025, form that his child care provider had to complete, twice within two months, on January 26, 2009 and March 11, 2009. This form was not returned to DHS after the claimant was given 10 days required by policy to do so. Claimant states that his child care provider had questions on how to complete DHS-4025, and that his worker or her supervisor did not return his calls to ask about this. DHS-4025 contains very basic questions such as child care center director name, child care center name, county, address, telephone number and provider ID number. Such ID number was written on

DHS-4025 received by DHS on April 3, 2009, so it is apparent that the child care center is a registered DHS child care provider. Why the child care center director would be puzzled by DHS-4025 is therefore unknown and difficult to explain or justify. It would appear that the director of the child care center “dropped the ball” so to say with this form, and claimant agrees this may have very well been the case. While the claimant states his caseworker failed to return his calls, it is apparent from the documentation provided for this hearing that she made the claimant well aware of what was needed in order to complete his CDC eligibility and followed departmental policy in giving him ample time to provide this information.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied claimant's CDC application in March, 2009.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 1, 2009

Date Mailed: September 8, 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.

IR [REDACTED]

cc: [REDACTED]