

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████
████████████████████
████████████████████

Reg. No: 2009-27010

Issue No: 6019; 6021

Case No: ██████████

Hearing Date:

October 20, 2009

Manistee County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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, in Manistee.

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly process claimant's CDC application for minor child (S.C.)?

FINDINGS OF FACT

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

- (1) On April 13, 2009, claimant applied for daycare benefits with her granddaughter (██████).
- (2) The caseworker processed claimant's application and opened daycare benefits for ██████ for the period April 12 through April 25, 2009.
- (3) A third party daycare provider provided daycare for ██████ for the period in question.
- (4) Claimant's daycare provider has not been paid for her services for the period April 12 through April 25, 2009.

- (5) On May 18, 2010, claimant requested a 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).

Clients must cooperate with the local office in determining initial and ongoing CDC eligibility. This includes completion of the necessary forms. BAM 105. Verification means documentation or other evidence to establish the accuracy of the clients' verbal or written statements. BAM 103. Verification is usually required at application, redetermination, and for reported change affecting eligibility. BAM 103.

Clients are allowed ten calendar days (or other time limit specified in policy) to provide the verifications requested by DHS. BAM 103. If the client does not provide verification, despite a reasonable effort, the time limit should be extended. BAM 103.

A Negative Action Notice must be sent when the client indicates a refusal to provide the required verification, or the time period has expired and client has not made a reasonable effort to provide the required verification information. PAM 103.

Clients are allowed a reasonable opportunity to resolve any discrepancy between statements submitted by them and other information obtained by the department. BAM 103. Disagreements and misunderstandings must be resolved at the lowest possible level to avoid unnecessary hearing. BAM 600.

In this place there has been a breakdown in the verification process. For some unknown reason, the information which the local office needed in order to approve payment for the daycare provided to [REDACTED]. (April 12 through April 25) was not received by the department.

The records indicate that claimant is entitled to have daycare payments made to the appropriate provider for the period April 12 through April 25.

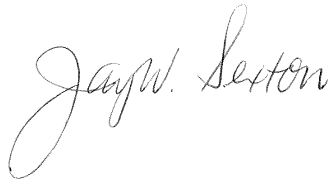
DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the department was unable to issue payment for the period in question regarding minor child [REDACTED]. due to lack of proper documentation.

Accordingly, the department's CDC eligibility determination is, hereby, REVERSED and it is hereby ORDERED as follows:

The department shall issue payment for the appropriate eligibility period, April 12 through April 25, upon receiving adequate documentation from claimant's daycare provider for the appropriate period.

SO ORDERED.



Jay W. Sexton
Administrative Law Judge
For Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 6, 2011

Date Mailed: July 7, 2011

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.

JWS/tg

2009-27010/JWS

cc:

