

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: 2009-10324
Issue No: 6021
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 8, 2009
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

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 June 8, 2009. Claimant personally appeared and testified. The Department was represented by a program manager.

ISSUE

Did the Department improperly determine not to authorize payment to Claimant's Child Day Care (CDC) provider on the grounds that the Claimant failed to submit a copy of the provider's driver's license and social security card?

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 May 23, 2008 (Exhibit 1) and was determined eligible for CDC benefits effective May 25, 2008. (Exhibit 2).

- (2) Claimant needed child care service from May 25, 2008 through December 12, 2008 when she stopped working.
- (3) Claimant requested this hearing because her child care provider has not been paid for this period of time despite having provided child day care services to Claimant.
- (4) The Department contends that payment to Claimant's child care provider has not been authorized because Claimant has not submitted a copy of the child care provider's driver's license and social security card.
- (5) On October 27, 2008, the Department sent Claimant a Verification Checklist, DHS form 3505, requesting the Child Care Provider Application and a copy of the provider's driver's license and social security card. (Exhibit 5).
- (6) The Department received the Child Care Provider Application (Exhibit 4), but did not receive a copy of the driver's license or social security card.
- (7) Claimant contends that she put a copy of the driver's license and social security card in the Department drop box within days of the request.
- (8) Claimant did not bring a copy of the driver's license or social security card to this hearing and did not provide the Department with a copy of the driver's license or social security card upon learning that the Department did not receive a copy of either the driver's license or social security card.
- (9) The Department received Claimant's hearing request on December 5, 2008. (Exhibit 3).

CONCLUSIONS OF LAW

The Child Development and Care program is established by Title 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 found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

DEPARTMENT POLICY

The client is responsible for obtaining any requested verifications needed to determine eligibility. Use the DHS-3503, Verification Checklist, to inform the client of what verifications are needed at application and redetermination. You may also choose to use the form at case changes. A copy of all verifications must be filed in the case record. (PEM 703, p.1)

Day Care Aide/ Relative Care Provider Enrollment Process

Prior to enrollment, verify if the day care aide or relative care provider is currently active by using the STSM inquiry transaction (see [RFT 296](#) for instructions). An active day care aide or relative care provider will have 9s in the eligibility end date field. To begin the enrollment process, day care aides and relative care providers must:

- Complete the [DHS-220-A/220-A-SP](#), Day Care Aide Provider Application or the [DHS-220-R/220-R-SP](#), Relative Care Provider Application, certifying the applicant meets all of the requirements listed on the application. The provider applicant must provide the following verifications within 6 workdays of the application receipt date:
 - Proof of identity.
 - Proof of age.
 - A copy of a valid Social Security number (the Social Security number must be verified with a copy of the card).

If the Social Security card states that it is not valid for employment, the prospective aide/relative may not be enrolled. The name on the Social Security card must match the provider's name on the DHS-220-A/R. (PEM 704, p. 4-5)

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). (PAM 130, pg. 2).

Under PEM 704, the Department can request proof of identity and a valid social security card to enroll a day care provider in the CDC program. Under PAM 130, when verification is sought, the client must be told "what verification is required, how to obtain it and the due date." In this case, it is found that the Department informed Claimant that she was to submit a child care provider application and a copy of the provider's driver's license and social security card by November 6, 2008. Although Claimant contends that she put copies of the driver's license and social security card in a Department drop box, she did not produce a copy of the driver's license or social security card at this hearing. Neither did she submit a copy of these documents to the Department after learning that the Department did not receive these documents. Under these circumstances, it is found that the Claimant has not established that she provided the Department with the documentation requested. Therefore, the Department's determination that payment to Claimant's child care provider could not be authorized was proper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly determined not to authorize payment to Claimant's child care provider for child care services rendered from May 25, 2008 through December 12, 2008.

Accordingly, the Department's determination is AFFIRMED.

/s/ _____
Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 06/12/09

Date Mailed: 06/16/09

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.

TW/dj

cc:

[REDACTED]