

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: 2009-10869
Issue No: 6015
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 6, 2010
Montcalm County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

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 May 6, 2010. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly deny the claimant's Child Development and Care (CDC) benefits for failure to return the required verifications in September, 2008?

FINDINGS OF FACT

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

1. The claimant applied for CDC benefits on September 8, 2008.
2. The claimant was mailed a Verification Checklist (DHS-3503) on September 9, 2008, that requested the claimant return a completed Verification of Employment (DHS-38) form, proof of child support received, proof of household expenses and assets and a

completed Child Care Provider Verification (DHS-4025) form. These items were to be returned to the department by September 19, 2008. (Department Exhibit 1)

3. The department received a completed Verification of Employment form, one paycheck stub, and a statement regarding child support on October 9, 2008. (Department Exhibit 4 – 7)

4. The department denied the claimant's CDC application for failure to return verifications on October 8, 2008. (Department Exhibit 3)

5. The claimant submitted a hearing request on December 10, 2008.

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 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.

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See PAM 130 and PEM 702. PAM, Item 105, p. 8.

Assisting the Client

All Programs

The local office must assist clients who ask for help in completing forms (including the DCH-0733-D) or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or **not** fluent in English. PAM, Item 105, p. 9. 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.

The client must obtain required verification, but you must assist if they need and request help. 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.

MA Only

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed. PAM, Item 130, p. 4.

Department policy requires a claimant to cooperate with the local office in determining initial and ongoing eligibility, including completion of the necessary forms. PAM 105.

Department policy directs the department to inform the claimant of what is needed by using the Verification Checklist (DHS-3503) to inform the claimant what verification is needed and when it is due. PAM 130.

The claimant admits that she received the Verification Checklist form. The claimant testified that she had only received one paycheck when she applied for CDC benefits, and that she wasn't going to receive a second paycheck until October 3, 2008. The claimant testified that she called the caseworker and told her that she wasn't going to be able to submit the other paycheck stub until after October 3, 2008 and that the department worker told her that would be alright.

However, the Verification Checklist just requests paycheck stubs from August 1, 2008, to "current." The claimant also had the Verification of Employment form to have completed by her employer, which also would have provided the information the department needed. The

Verification Checklist requesting these items clearly indicates they are due by September 19, 2008. There is no evidence in the department's file that shows the claimant called the department and was given any extension of time to provide the verifications. However, even if the claimant was given an additional ten days, the due date would have been September 29, 2008. The claimant did not return the verifications by that date either. The claimant did not return the verifications until October 9, 2008, which was the day after the claimant's CDC application had been denied.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied the claimant's CDC application because the claimant did not return the required verifications for the department to determine eligibility.

Accordingly, the department's actions are UPHeld. SO ORDERED.

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

Date Signed: May 22, 2010

Date Mailed: May 25, 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 90 days of the filing of the original request.

2009-10869/SLK

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.

SLK 

cc:

