

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████

Claimant,

Reg No: 2009-11701

Issue No: 6015

Case No: ██████████

Load No: ██████████

Hearing Date:

August 31, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 Detroit, Michigan on July 31, 2009. The Claimant her father, ██████████, appeared and testified. H.J. Jones Jr., FIM, and Marsha Paymon, FIS, appeared on behalf of the Department.

ISSUE

Whether the Department properly closed claimant's Child Development and Care Program ("CDC") benefits for failure to provide verification?

FINDINGS OF FACT

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

1. Claimant applied for CDC benefits on September 11, 2008.
2. On September 17, 2008, the department issued a Verification Checklist with a due date of September 24, 2008. (Department Exhibit 1 p. 21)

3. Claimant testified she never received the verification checklist in the mail.
4. On December 8, 2008, the department closed claimant's CDC benefits case for failure to return the requested verifications.
5. Claimant requested a hearing on December 15, 2008 to contest the closure of the 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 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 eligibility including completion of necessary forms. PAM 105. Under PAM 130, the department is to allow clients 10 calendar days from the date the verification is requested to provide all documents and information. The department must also help clients who need and request assistance in obtaining verifications, and extend the time limit at least once if the client can not provide the verification despite a reasonable effort. PAM 130.

In the present case, the department issued a Verification Checklist to claimant on September 17, 2008 with a due date of September 24, 2008. The department representative testified that a full 10 days was not allowed because of a 6 day deadline. Under PAM 115, the

standard of promptness for a CDC application is 45 days. The 6 day deadline only applies to provider applications:

For CDC, also send a notice to the client and provider applicant within six workdays of receiving the DHS-220-A/ 220-A-SP, Day Care Aide Provider Application, from a person applying to be a day care aide or the DHS-220-R/ 220-R-SP, Relative Care Provider Application, from a person applying to be a relative care provider. The notice must inform the client and provider applicant whether the provider application has been approved or denied. PAM 115.

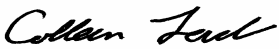
Department requested the provider application as part of the Verification Checklist. Department Exhibit 1 pg. 21. Accordingly, the department was still under the 45 day standard of promptness when the verification checklist was issued. Further, under PAM 130 the department is still required to allow 10 days for claimant to provide the verifications.

Based upon the foregoing facts and relevant law, it is found that the department failed to allow the required 10 days for claimant to provide the verifications. Therefore, the department's December 8, 2008 closure for failure to provide verifications was not proper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department improperly closed the claimant's CDC benefits.

Accordingly, the department's CDC eligibility determination is REVERSED. Therefore, it is ORDERED that the department re-determine eligibility for CDC benefits retroactive to the closure date of December 8, 2008 and award benefits to claimant, if appropriate, in accordance with this Decision.



Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

2009-11701/CL

Date Signed: 09/28/09

Date Mailed: 09/29/09

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.

CL/dj

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