

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: 200913496

Issue No: 6015

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

November 24, 2009

Ingham County DHS

ADMINISTRATIVE LAW JUDGE:

Steven M. Brown

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 [REDACTED] on November 24, 2009.

ISSUE

Whether the Department properly closed Claimant's Child Development and Care (CDC) case?

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 October 13, 2008, Claimant applied for CDC benefits. (Exhibit 6)
- (2) On November 17, 2008, the Department sent Claimant a CDC Client Notice informing Claimant that she was eligible for CDC benefits. (Exhibit 6)

(3) On January 5, 2009, the Department sent Claimant a Notice of Case Action informing her that her CDC case was closed – “Since child day care has not been authorized in the last four pay periods. You no longer need child day care services. PEM Item 703.” (Exhibit 7)

(4) On January 6, 2009, the Department received a Child Care Provider Verification from Claimant which was signed by Claimant on January 5, 2009. (Exhibit 3)

(5) Claimant contacted her caseworker and left a voicemail regarding her provider on 3 occasions prior to her case closing, but never received a return phone call.

(6) Claimant did not receive any notice that her CDC case was going to close if she did not provide provider information by January 5, 2009.

(7) On January 20, 2009, the Department received Claimant’s hearing request protesting the closing of her CDC case.

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. Departmental policies are found 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. This includes the completion of necessary forms. PAM 105, p. 5 Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. PAM 130, p.1 Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as local office option or information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. PAM 130, p.1 The Department uses documents, collateral contacts or home calls to verify information. PAM 130, p.1 A collateral contact is a direct contact with a person, organization or agency to verify information from the client. PAM 130, p. 2 When documentation is not available, or clarification is needed, collateral contact may be necessary. PAM 130, p. 2

Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the verifications requested by the Department. PAM 130, p. 4 If the client cannot provide the verification despite a reasonable effort, the time limit should be extended no more than once. PAM 130, p. 4 A negative action notice should be sent when the client indicates a refusal to provide the verification or the time period provided has lapsed and the client has not made a reasonable effort to provide it. PAM 130, p.4

Clients are allowed a reasonable opportunity to resolve any discrepancy between statements and information obtained through another source. PAM 130, p. 6 Disagreements and misunderstandings should be resolved at the lowest possible level to avoid unnecessary hearings. PAM 600, p. 11

In the instant case, the case worker was not available for hearing. Claimant testified credibly that she left her provider information on her caseworker's phone 3 times prior to the case closure, never received a return phone call and was never informed that she needed to provide the information in written form by a certain date or her case would be closed. The Supervisor who appeared at hearing did not have any personal knowledge of the case and could not provide any further documentation about what was done in this case because it is over 10 months old and the file is missing. Claimant provided the information to the Department the day she received the Notice of Case Action.

With the above said, based on the testimony and documentation offered at hearing, I find that Claimant either timely provided or made a reasonable effort to timely provide the information requested by the Department. As such, I do not find that the Department established that it acted in accordance with policy in closing Claimant's CDC case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, does not find that the Department acted in accordance with policy in closing Claimant's CDC case.

Accordingly, the Department's CDC eligibility determination is REVERSED, it is SO ORDERED. The Department shall:

- (1) Reinstatement Claimant's CDC benefits retroactive to the closure date.
- (2) Issue Claimant supplemental benefits she is entitled to, if any.
- (3) Notify Claimant in writing of the Department's revised determination.

(4) Claimant retains the right to request a hearing if she would like to contest the Department's revised determination.

/s/

Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 7, 2009

Date Mailed: December 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 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.

SMB/db

cc:

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