

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: 2009-1993

Issue No: 6019

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 20, 2009

Wayne 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 April 20, 2009. Claimant and her sister personally appeared and testified. The Department was represented by a family independence manager and a family independence specialist.

ISSUE

Did the Department properly deny Claimant's application to continue Child Day Care (CDC) benefits on the grounds that she failed to provide documentation that her child care provider had changed?

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 was a CDC recipient. Her case was due for an annual review in June 2008.

- (2) In February 2008, Claimant informed her caseworker that her child care provider could no longer provide service but that Claimant's sister was willing to be her relative child care provider.
- (3) Claimant's CDC benefits stopped after her original childcare provider reported that she could no longer provide child care services.
- (4) Claimant contends that her worker told her that "it was no problem" to have her sister as a relative childcare provider if Claimant provided pay stubs starting in February 2008 *before* her case closed in June 2008.
- (5) Claimant contends that she provided her caseworker with pay stubs from February 2008 through May and continued to provide pay stubs through September 29, 2008.
- (6) The Department received the Relative Care Provider Application dated June 16, 2008. (Exhibit 2) and a Child Care Provider Verification (Exhibit 3), also dated June 16, 2008. The Child Care Provider Verification states that Claimant's sister began providing childcare for Claimant's daughter on February 16, 2008. (Exhibit 3).
- (7) Claimant did not receive CDC benefits from February 2008 through May 2008.
- (8) Claimant received CDC benefits from June through August 2008.
- (9) Claimant requested the hearing because her caseworker told her that she would be reimbursed CDC benefits for childcare her sister provided from February 2008 through May 2008 if she provided certain documentation.
- (10) The Department received Claimant's hearing request on October 2, 2008. (Exhibit 4).

## 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**

**Verification** means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Obtain verification when:

Required by policy. PEM items specify which factors and under what circumstances verification is required.

Required as a local office option. The requirement **must** be applied the same for every client. Local requirements may **not** be imposed for MA, TMA-Plus or AMP without prior approval from central office.

Information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party. (PAM 130, pg. 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). (PAM 130, pg. 2).

#### **Assisting the Client**

##### **All Programs**

The local office must assist clients who ask for help in completing forms (including the DCH-0373-D) or gathering verifications.

Particular sensitivity must be shown to clients who are illiterate, disabled or **not** fluent in English.

The poster, DHS Publication 478, Help Is Available, must be displayed in the local office lobby. A section of the application form has the same title and information. These documents tell clients that DHS must help persons fill out the application when requested. (PAM 105, pg. 10)

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, Claimant’s caseworker told her to provide her pay stubs to establish Claimant worked from February 2008 until her annual review in June 2008 and that she must provide this documentation before her case was scheduled to end in June 2008. Claimant’s testimony that her caseworker told her that she would be reimbursed for childcare benefits because her sister began providing childcare was not disputed. The caseworker at issue did not participate in this hearing. In addition, it is found that the Department received the Relative Care Provider Application, the Child Care Provider Verification, and pay stubs before closure of Claimant’s case in June 2008 was not disputed. Under these circumstances, where Claimant provided the documentation her caseworker requested, it is found that she should be reimbursed CDC benefits for childcare services provided from February 2008 through May 2008.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department improperly denied Claimant’s CDC benefits from February 2008 through May 2008.

Accordingly, the Department is ORDERED to issue retroactive CDC benefits for childcare services provided from February 2008 through May 2008 where Claimant can provide proof of hours that she worked from February 2008 through May 2008.

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

Date Signed: 04/24/09

Date Mailed: 04/28/09

**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]