

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: 2009-21206

Issue No: 6015

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 10, 2009

Calhoun County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 10, 2009.

ISSUE

Was the claimant's CDC properly cut off for a failure to provide verifications?

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 10-17-08, claimant was sent an automated redetermination form to review her CDC eligibility.

(2) On 10-27-08, claimant returned her redetermination form but did not return any earned income verifications with the form.

(3) On 10-27-08, claimant was sent a DHS-3503, Verification Checklist, which requested the missing information.

(4) Claimant was given a due date for these verification of 11-6-08.

(5) On 11-10-08, claimant submitted all income stubs from her job with [REDACTED]

(6) Claimant submitted two check stubs from her employment with the [REDACTED]

[REDACTED]: one dated 9-26-08, and the other dated 11-7-08.

(7) These checks were issued bi-weekly, and indicated that at least one other check had been issued in the interim.

(8) On 11-25-08, claimant's CDC redetermination was denied because of an inability to determine income.

(9) On 12-4-08, claimant requested a hearing.

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 BRIDGES Administrative Manual (BAM), the BRIDGES Eligibility Manual (BEM) and the BRIDGES Reference Manual (BRM).

A DHS-1010, Redetermination, must be completed when eligibility is re-determined. BAM 210. Any application, redetermination or otherwise, is considered incomplete until it contains enough information to determine eligibility. BAM 115. Eligibility is determined

through a claimant's verbal and written statements; however, verification is required to establish the accuracy of a claimant's verbal and written statements. Verification must be obtained when required by policy, or when information regarding an eligibility factor is incomplete, inconsistent, or contradictory. An application that remains incomplete may be denied. BAM 130. All sources of income must be verified. BEM 500.

In the current case, the Department contends that claimant did not return required verifications of her income, as required by the regulations, and was therefore denied CDC benefits.

Leaving aside the fact that claimant returned the requested verifications after the due date given on the DHS-3503, the undersigned is not convinced that the Department was in possession of the information needed to determine eligibility. Claimant's pay stubs from her job with [REDACTED] are dated 9-26-08 and 11-07-08. The Department needed to determine claimant's income during the month of October. Subtracting the Year-To-Date amounts of the two paychecks indicates that claimant earned at least \$802.96 between these two paychecks. Unfortunately, the 9-26-08 paycheck was the date the check was issued on; depending on the lag time, some of that \$802.96 could have been earned in September. Without the paycheck(s) that encompass claimant's hours in October, it is impossible to tell exactly what claimant's income was during that month, and how much of the unaccounted for amount was earned in September.

While claimant alleges that she never received those paychecks, and doesn't believe she even made that money, the best evidence that we have to date indicates that some money was made. If claimant did not actually receive paychecks, it was her responsibility to submit some sort of verification to the Department proving this.

The Department's available information was inconclusive; it needed to determine eligibility for the month of October, but was unable to do so. If the Department is unable to determine eligibility, it may deny the application or redetermination. It was unable to determine eligibility, therefore, the denial of benefits was the correct decision.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to deny claimant's CDC redetermination was correct.

Accordingly, the Department's decision in the above-stated matter is, hereby,
AFFIRMED.

/s/ _____
Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 30, 2009

Date Mailed: July 1, 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.

RJC/cv

cc:

