

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: 2009-26168
Issue No: 6006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 27, 2009
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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 October 27, 2009, in Flint. Claimant personally appeared and testified under oath.

The department was represented by Matt Zofchak (ES).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly close claimant's day care case on review due to claimant's failure to complete a new day care application and submit it by the due date (February 24, 2009)?

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 is a current CDC recipient.
- (2) In February 2009, claimant's CDC case was scheduled for an eligibility review.

(3) On February 12, 2009, the caseworker sent claimant the Verification Checklist (DHS-3503) requesting verification of claimant's eligibility factors. The caseworker also requested that claimant submit a new CDC application (DHS-1171). The due date for completing a Verification Checklist and submitting the new CDC application was February 24, 2009.

(4) Claimant mailed her papers to the department prior to the due date. However, the CDC application (DHS-1171) was never received by the department.

(5) On March 24, 2009, the caseworker notified claimant that her CDC case was closed due to claimant's failure to submit a new CDC application by February 24, 2009.

(6) On May 12, 2009, claimant requested a hearing.

(7) Subsequently, claimant filed a new CDC application and her CDC benefits were restored.

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).

The department's policy manuals require that clients cooperate with the department in establishing ongoing financial and nonfinancial eligibility. This may be accomplished by providing the requested forms as well as a new application (DHS-1171).

The preponderance of the evidence in the record shows that claimant returned some of her February 2009 eligibility review forms, but did not provide the department with a new CDC application (DHS-1171).

After a careful review of the claimant's file, the caseworker determined that claimant had not completed the necessary paperwork to continue her CDC benefits in February 2009.

A careful review of the record indicates that claimant failed to establish a *prima facie* case of eligibility for CDC by the due date of February 24, 2009. For this reason, the caseworker correctly closed claimant's CDC benefits on March 24, 2009.

There is no evidence on this record arbitrary or capricious action on behalf of the department in processing claimant's February 2009 CDC eligibility review.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly closed claimant's CDC case on February 24, 2009 due to claimant's failure to provide a current CDC application by the due date.

Therefore, the department's action is, hereby, **AFFIRMED**.

SO ORDERED.

/s/ _____
Jay W. Sexton
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: March 9, 2010

Date Mailed: March 10, 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.

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.

WAS/tg

cc:

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