

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: 2009-33587
Issue No: 6019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 30, 2010
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

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 30, 2010. The claimant personally appeared and provided testimony, along with her daughter, [REDACTED].

ISSUE

Did the department properly deny the claimant's Child Development and Care (CDC) application for failure to provide required verifications in June, 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. The claimant applied for CDC benefits on March 24, 2009. (Department Exhibit 1 – 2)
2. On April 17, 2009, the claimant turned in a Relative Care Provider Application (DHS-220-R) for her daughter, [REDACTED] and a copy of [REDACTED] driver's license and a note

that stated they were unable to locate Brittini's social security card, but listing her social security number. (Department Exhibit 3 – 4)

3. On May 22, 2009, the Central Registry background check was returned. The provider was not approved because the social security number provided by the claimant did not match the social security number recorded with the Division of Vital Records. (Department Exhibit 5 – 7)

4. On May 26 and May 27, 2009, the department worker attempted to notify the claimant that provider could not be approved due to the incorrect social security number. No one answered the call and no message was able to be left. (Department Exhibit 8 – 9)

5. On May 27, 2009, the department mailed the claimant a Verification Checklist (DHS-3503) requiring a copy of the provider's social security card to be returned as soon as possible. (Department Exhibit 10)

6. The Social Security Administration issued the claimant's provider a social security card on June 2, 2009. (Claimant Exhibit 1)

7. The department denied the claimant's CDC application for failure to provide the required verifications on June 16, 2009.

8. The claimant submitted a hearing request on June 29, 2009.

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 Program Reference Manual (PRM).

Department policy states:

INTRODUCTION

Eligibility for Child Development and Care services exists when the Department has established **all** of the following:

- . There is a **signed application** requesting CDC services, **and**
- . each parent/substitute parent (see Parent/Substitute Parent section in this item) is a member of a valid **ELIGIBILITY GROUP, and**
- . each parent/substitute parent (P/SP) meets the **NEED (Reason)** criteria as outlined in this item, **and**
- . an eligible provider is providing the care, **and**
- . all eligibility requirements are met. PEM, Item 703, p. 1

To be authorized to care for DHS-funded children, day care aides and relative care providers must:

- . Complete the DHS-220-A/220-A-SP, Day Care Aide Provider Application or the DHS-220-R/220-R-SP, Relative Care Provider Application, and
- . Provide proof of identity, age, and a valid Social Security number (specialist must verify), and
- . Provide proof of residence and/or mailing address if requested (specialist must verify residence and/or mailing address if information is unclear, inconsistent or questionable, and
- . Be enrolled by the department (see below).

If approved, the effective date of enrollment for a day care aide or relative care provider is the most recent of the following:

- . The date care began,

- . The client's effective date of eligibility,
- . The relative care provider's or the day care aide's 18th birthday,
- . The date verification is received indicating an adult household member with a criminal conviction, no longer resides in the home of the relative care provider (see note below).

No care can be authorized for periods prior to the effective date of enrollment. PEM, Item 704, p. 4.

CDC VERIFICATIONS

DEPARTMENT POLICY

The client is responsible for obtaining any requested verifications needed to determine eligibility. Use the DHS-3503, Verification Checklist, to inform the client of what verifications are needed at application and redetermination. You may also choose to use the form at case changes. A copy of all verifications must be filed in the case record.

See PAM 210, Redeterminations, for policy regarding verification at redetermination. PEM, Item 702. p. 1.

Verification Timeframes

Allow the client 10 calendar days from the date verification is requested (the date of request is not counted) to provide it. At least one extension must be given if the client cannot provide the verification despite a reasonable effort. For active cases, allow timely notice if verifications are not returned. PEM, Item 702, p. 1.

Verifications At Application

Open CDC on CIMS when the verifications show the client is eligible:

- . Verify the **identity** of the applicant and authorized representative, if any. (See PEM 221, Identity)
- . Obtain the **Social Security number (SSN)** of the CDC grantee. Do **not** deny eligibility solely because you are unable to obtain the SSN. (**Note:** Day care aides and relative

care providers **must** provide verification of their SSN. See PEM 704, CDC Providers.)

- . Verify the **alien status** for each child needing care who **is not a U.S. citizen**. (See PEM 225, Citizenship/Alien Status) PEM 702, p. 1.

In this case, the claimant is disputing the department's denial of her CDC application for failure to provide the required verifications. The claimant indicates that she did provide a copy of her daughter's (relative care provider) social security card. The department staff member testified that she did not receive it during the relevant time period.

The claimant testified that she did receive the Verification Checklist and that she went to the Social Security Administration to get her daughter a new social security card when she received the Verification Checklist. The claimant reports that she mailed in the paperwork showing her daughter had applied for a new copy of her social security card sometime in the end of May, 2009. The claimant further testified that she mailed in the copy of the social security card in the beginning of June, 2009, after receiving the new card from the Social Security Administration. The claimant presented a copy of the social security card issued by the Social Security Administration as evidence. The social security card does show that it was issued on June 2, 2009.

The department staff member testified that she did not receive a copy of the social security card. However, the department staff member did also testify that the local office moved to a new address in June of 2009. The staff member further testified that some mail may have been lost during this time period.

This does coincide with the time period the claimant testified she mailed in the social security card. This Administrative Law Judge does find the claimant credible in her testimony. The social security card was issued by the Social Security Administration on June 2, 2009. It

would seem odd for the claimant to go through the effort of obtaining a new social security card for her daughter and then not mail it to the department. Further, this was the exact time period when the local office moved and some mail may have been lost, misdirected or misplaced. Thus, this Administrative Law Judge finds that the claimant did comply with the Verification Checklist by submitting the social security card and that it simply did not get to its intended recipient.

Therefore, the department should re-process the claimant's CDC application, accepting the social security card as turned in timely. If the claimant is otherwise eligible, CDC benefits should be approved and issued retroactive for department approved hours.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department improperly denied the claimant's CDC application.

Accordingly, the department's actions are REVERSED. The department shall:

1. Re-process the claimant's CDC application, accepting the social security card as returned timely.
2. If otherwise eligible, issue the claimant's provider any retroactive CDC benefits that she is entitled to receive.

SO ORDERED.

/s/

Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 19, 2010

Date Mailed: August 20, 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.

SLK [REDACTED]

cc: [REDACTED]