

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: 2009-36363

Issue No: 3008; 6015

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 15, 2009

Lapeer County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 15, 2009. Claimant appeared and testified. Kim Smith, AP Worker, appeared on behalf of the department.

ISSUE

Did the Department of Human Services (DHS) properly deny claimant's Child Development and Care (CDC) and Food Assistance Program (FAP) application for 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) Claimant applied for CDC and FAP benefits on May 7, 2009,
- (2) On May 8, 2009 the department issued a Verification Checklist with a due date of May 22, 2009 for claimant to provide additional information and for claimant to attend an interview on May 22, 2009. (Department Exhibit 1, pg. 1)

(3) Claimant testified she called to reschedule the interview to June 11, 2009, which she did attend, and also mailed in the requested verifications utilizing multiple envelopes.

(4) The department testified that only some of the requested verifications were received and the DHS 4025 child care provider verification form and child support income verification were still needed.

(5) The department denied the FAP and CDC application on August 4, 2009 for failure to provide the DHS 4025 and proof of child support income. (Department Exhibit 1, pg. 4).

(6) Claimant filed a hearing request to contest the denial on September 2, 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 found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manuals.

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manuals.

Under BAM 105, clients must cooperate with the local office in determining initial and ongoing eligibility. The department is to request verification when required by policy, when required by local office option, or when information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. BAM 130. The department is to allow 10 days to provide the verification requested and must also help clients who need and request assistance. A negative action notice is to be sent when the client indicates refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130.

In the present case, the department issued a Verification Checklist on May 8, 2009 with a due date and interview date of May 22, 2009. The department testified that the application was denied because only some of the requested verifications were returned. The DHS 4025 Child Care Provider Verification and proof of child support income were still needed.

Claimant testified she received the verification checklist and called the department to re-schedule the required interview, which she did attend on June 11, 2009. Claimant further testified that she mailed in the required verifications, but used multiple envelopes and was not aware the department had not received some of the verifications she mailed in.

Based upon the foregoing facts and relevant law, it is found that the department has not provided sufficient proof that the client refused to provide verifications or that the client had not made a reasonable effort to provide them. The claimant was working cooperatively with the department, attended the required interview and testified she had made calls to her case worker. While the department did not receive all of the envelopes mailed, claimant provided credible and detailed testimony that she made reasonable attempts and mailed in the requested verifications. Accordingly, the department shall re-instate claimant's May 7, 2009 CDC and FAP application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department improperly closed the claimant's CDC and FAP application for failure to provide verification.

Accordingly, the Department's CDC and FAP eligibility determinations are REVERSED. Therefore it is ORDERED that the department reinstate claimant's May 7, 2009 CDC and FAP application.

/s/ _____
Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 26, 2009

Date Mailed: October 26, 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 mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the mailing date of the rehearing decision.

CL/cv

cc:

