

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.: 2010-10529
Issue No.: 6019
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
June 24, 2010
Washtenaw County DHS (20)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 in Ypsilanti, Michigan on Thursday, June 24, 2010. The Claimant appeared and testified. [REDACTED] appeared by telephone to translate the Claimant's testimony. The Claimant's authorized representative failed to call or appear for the hearing. The authorized representative was contacted via telephone to no avail. The Claimant on the record was given the choice to adjourn the hearing or proceed without representation. The Claimant elected to proceed without representation. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's CDC application based on the failure to submit the requested verifications?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material and substantial evidence on the whole record, finds as material fact:

1. The Claimant submitted a Child Development and Care (“CDC”) application on June 25, 2009.
2. On August 14, 2009, the Department sent a Verification Checklist to the Claimant requesting verification of self-employment income and the child care provider information. (Exhibit 1)
3. The requested verifications, which were due on August 24, 2010, were not returned.
4. On October 5, 2009, the Department sent the Claimant a Notice of Case Action informing her that the CDC application was denied. (Exhibit 2)
5. On October 30, 2009, the Department received the Claimant’s written request for hearing.

CONCLUSIONS OF LAW

The Child Development and Care program is established by Chapter 7 of the Social Security Act, 42 USC 1397, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* 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. Departmental policies are found in the Bridges Administrative Manual (“BAM”), the Bridges Eligibility Manual (“BEM”), and the Bridges Reference Manual (“BRM”).

The goal of CDC program is to preserve the family unit and to promote its economic independence and self-sufficiency by promoting safe, affordable, accessible, quality child care for qualified families. BEM 703 DHS may provide payment for child care services for qualifying families when the parent(s)/substitute parent(s) is unavailable to provide the child care

because of employment, education, and/or because of a health/social condition for which treatment is being received and care is provided by an eligible provider. BEM 703 Child care may be provided in or out of the child(ren)'s home. BEM 704 Clients have the right to choose where the care will be provided as well as the type of child care provider they wish to use. BEM 704 In order for DHS to pay, care must be provided in Michigan by an eligible provider. BEM 704 Day care aides and relative care providers are enrolled by DHS to provide care but are not required to be regulated. BEM 704 A day care aide is an individual, including a relative, who provides care in the home where the child lives. BEM 704 A relative care provider is related to the child needing care by blood, marriage or adoption. BEM 704

The client is responsible for obtaining any requested verifications needed to determine eligibility. BEM 702 The client is allowed a full 10 calendar days from the date verification is requested to provided the requested information. BEM 702 CDC payments may be approved for clients who are employed or self-employed and receive money wages, self-employment profits or sale commissions within six months of the beginning of the employment. BEM 703

In this case, the Claimant submitted an application for CDC benefits. The Department sent the verification to the Claimant's previous address however the Claimant's brother's girlfriend forwarded the Verification Checklist to the Claimant. The Claimant testified that she was unable to provide proof of her work because she is paid in cash for cleaning homes and that the homeowner's were reluctant to submit any verification on the Claimant's behalf because she is an immigrant. The Claimant did not provide the Department with a care provider. Importantly, during this time, the Claimant did not contact the Department stating she had difficulty obtaining the information or that she needed assistance. No documentation was provided. Ultimately, under these facts, the Department established it acted in accordance with

department policy when it denied the Claimant's CDC application for failing to submit the necessary verifications required to determine eligibility. The Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon clear and convincing evidence, finds that the Department acted in accordance to department policy when it denied the Claimant's CDC application.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 6/29/2010

Date Mailed: 6/29/2010

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 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.

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cc:

