

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
ADMINISTRATIVE HEARINGS FOR THE

IN THE MATTER OF:



Reg. No.: 201017412  
Issue No.: 6015  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: September 27, 2010  
Wayne County DHS

**ADMINISTRATIVE LAW JUDGE:** Aaron McClintic

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on September 27, 2010. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

**ISSUE**

Did the Department properly deny Child Day Care assistance for failing to return 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 benefits on April 10, 2009.
2. A verification checklist was sent to Claimant on April 15, 2009 with an April 27, 2009 due date.
3. Claimant did not receive the verification checklist.
4. Claimant attempted to contact the Department on numerous occasions while her application was pending.
5. On May 29, 2009 Claimant's CDC application was denied for failing to return verifications.

6. Claimant requested a hearing on July 20, 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 (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. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. The questionable information might be from the client or a third party. Id. The Department can use documents, collateral contacts or home calls to verify information. Id. The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. BAM 130, p.4; BEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130, p. 4. Before making an eligibility determination, however, the department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. BAM 130, p. 6.

Verification requirements for the Child Day Care program are delineated in 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.

In the present case, Claimant credibly testified that she did not receive the verification checklist. Claimant further credibly testified that she contacted the Department on numerous occasions while her application was pending to inquire about the status of her application and could not reach anyone. This Administrative Law Judge cannot find that Claimant refused to cooperate or failed to make a reasonable effort to provide verifications. Therefore the denial of Claimant's application was improper and incorrect.

### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was incorrect in the denial of CDC benefits, and it is

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ORDERED that the Department's decision in this regard be and is hereby REVERSED. Claimant's CDC application shall be reinstated and reprocessed as of the date of application.

/s/



Aaron McClintic  
Administrative Law Judge  
For Ismael Ahmed, Director  
Department of Human Services

Date Signed: September 30, 2010

Date Mailed: September 30, 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.

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