

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: 2010-23199
Issue No: 6019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 10, 2010
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on November 30, 2009. After due notice, a telephone hearing was held on Tuesday, August 10, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Child Development and Care (CDC) eligibility?

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 July 10, 2010. Department Exhibit 29 – 32.

(2) On September 16, 2009, the Department denied certification to the Claimant's childcare provider. Department Exhibit 22.

(3) On October 10, 2009, the Department notified the Claimant that it had denied her application for CDC benefits effective July 5, 2009. Department Exhibit 20.

(4) The Claimant submitted an application for CDC benefits on November 18, 2009. Department Exhibit 7 – 11.

(5) On December 2, 2009, the Department notified the Claimant it had approved her application for CDC benefits effective November 8, 2009. Department Exhibit 1.

(6) The Department received the Claimant's request for a hearing on November 30, 2009, protesting the date that her CDC benefits began.

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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. BAM 105, p. 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written

statements. BAM 130, p. 1. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130, p. 1. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130, p. 1. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130, p. 2. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

Reinstatement restores a closed program to active status without completion of a new application. Closed programs may be reinstated for any of the following reasons:

- Closed in error.
- Closed-correct information not entered.
- Timely hearing request.
- Redetermination packet not logged in.
- Hearing decision ordered reinstatement.
- Complied with program requirements before negative action date.
- DHS-1046 manually sent and due date is after the last day of the 6th month.
- Court ordered reinstatement. BAM 205.

The Claimant applied for CDC benefits on July 10, 2009, and the Department denied this application on October 10, 2009, after it refused to certify the Claimant's childcare provider. No evidence was presented at the hearing to establish that this denial of certification to the childcare

provider was improper. When the Claimant located a Department certified childcare provider, it was necessary for the Claimant to submit a new application for CDC benefits. No evidence was presented at the hearing to establish that reinstatement was proper under BAM 205. The Claimant submitted an application for CDC benefits on November 18, 2009, and the Department approved this application effective November 8, 2009, which was the start of that CDC pay period.

The Claimant argued that she submitted an application for CDC benefits before the application that the Department received on November 18, 2009. The Claimant testified that she dropped off an application in person at the Department's office, but could not remember the date. The Claimant did not offer any evidence of any CDC applications other than the applications she submitted on July 10, 2009, and November 18, 2009.

The Department testified that it received applications for CDC benefits from the Claimant on July 10, 2009, and November 18, 2009. The Department testified that it does not have any record of any other application for CDC benefits submitted during that period.

The Department has established that it determined the Claimant's eligibility for CDC benefits in accordance with policy. The Department established that the Claimant was not eligible for CDC benefits until November 8, 2009.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's CDC eligibility.

The Department's CDC eligibility determination is AFFIRMED. It is SO ORDERED.

/s/

Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 13, 2010

Date Mailed: August 13, 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 60 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.

KS/vc

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