

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 201024124

Issue No: 6015

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 6, 2010

Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 October 6, 2010.

ISSUE

Was the claimant's CDC application properly denied for a 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 in Macomb County.
- (2) On October 28, 2009, claimant was sent a DHS-3503, Verification Checklist, with a due date of November 9, 2009.
- (3) The checklist requested proof of income and information regarding claimant's CDC provider.
- (4) Claimant turned in proof of income.

- (5) On October 27, 2009, claimant left a copy of the provider information in the DHS drop box.
- (6) The claimant's caseworker never received the provider information.
- (7) On November 12, 2009, claimant's CDC application was denied for a failure to return verifications.
- (8) On December 1, 2009, claimant requested a hearing, alleging that she had turned in all required information.

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 Bridges Reference Manual (BRM).

A DHS-1171, Assistance Application must be completed when eligibility is determined. BAM 210. An application is considered incomplete until it contains enough information to determine eligibility. BAM 115. Eligibility is determined through a claimant's verbal and written statements; however, verification is required to establish the accuracy of a claimant's verbal and written statements. Verification must be obtained when required by policy, or when information regarding an eligibility factor is incomplete, inconsistent, or contradictory. An application that remains incomplete may be denied. BAM 130.

In the current case, the Department contends that claimant did not return provider verifications, as required by the regulations, and therefore had her application denied.

Claimant contends that she did return everything that was requested.

After a review of the testimony, the Administrative Law Judge has determined that the claimant is credible, and thus finds her statement credible that she turned in the requested verifications to the DHS drop box. The undersigned notes that the claimant was able to give the exact date she returned the information, credibly described the situation, and listed exactly what documents she returned on the day in question. Furthermore, the claimant's demeanor, manner, and testimony at the hearing painted a picture of credibility, and the undersigned, as the principal finder of fact, is willing to accept claimant's version of events, especially in light of the fact that DHS has an unfortunate history of misplacing documents.

Therefore, it must be found that claimant did return the requested verifications, and the Department should process the application.

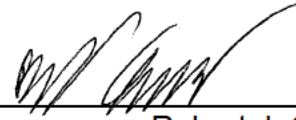
DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to deny claimant's assistance application was incorrect.

Accordingly, the Department's decision in the above stated matter is, hereby, REVERSED.

The Department is ORDERED to request the verifications needed to determine CDC eligibility again, if it still needs these verifications. Claimant's filing date of

September 30, 2009 is protected, and eligibility shall be determined as of that date. If claimant is found eligible for CDC benefits, benefits shall be retroactively issued to her filing date as is consistent with policy.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/13/10

Date Mailed: 10/15/10

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.

RJC/dj

cc:

