

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

IN THE MATTER OF:



Reg. No.: 201033161
Issue No.: 1005; 6019
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 4, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on November 4, 2010. The Claimant appeared and testified. [REDACTED], FIS appeared on behalf of the Department.

ISSUE

Was the Department correct in processing Claimant's CDC application and in closing Claimant's FIP case?

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 Child Day Care benefits on September 27, 2009.
- (2) Claimant was an ongoing recipient of FIP benefits.
- (3) A verification checklist, along with employment verifications was sent to Claimant on February 11, 2010 with a February 18, 2010 due date.
- (4) Claimant's FIP case was closed on February 28, 2010 for failing to provide employment verifications.
- (5) Claimant's CDC application was denied on February 8, 2010.

- (6) The Department presented no documentation or evidence at hearing why the CDC application was denied.
- (7) Claimant requested hearing on January 27, 2010 contesting the closure of FIP benefits and failure to process her CDC application.

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 is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130.

Department policy dictates what notice is required for application denials: An adequate notice is a written notice sent to the client at the same time an action takes effect (not pending). Adequate notice is given in the following circumstances: **All Programs • Approval/denial of an application.** BAM 220.

In the present case, Claimant was given a verification checklist on February 11, 2010 that had a February 18, 2010 due date. Policy requires that verification checklists give Claimants 10 days to provide the verification. BAM 130. Therefore, this checklist is faulty and cannot serve as the basis to close Claimant's case.

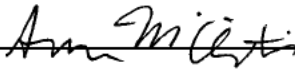
In the present case, with regard to Claimant's Child Day Care assistance application, the Department provided no explanation with regard to why the CDC application was

201033161/AM

denied. Claimant credibly testified that she did not receive notice of the denial. Adequate notice of the CDC denial was not provided to the Claimant contrary to Department policy. BAM 220. Therefore the denial of Claimant's CDC application was improper.

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 closure of Claimant's FIP benefits, and it is ORDERED that the Department's decision is hereby REVERSED. Claimant's FIP benefits shall be reinstated and reprocessed as of the date of closure. Any missed benefits shall be paid to Claimant in the form of a supplement. This Administrative Law Judge further finds that the Department was incorrect in the processing of Claimant's CDC application, and it is ORDERED that the Department's decision is hereby REVERSED. Claimant's CDC application shall be reinstated and reprocessed going back to the date of application.



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

Date Signed: November 8, 2010

Date Mailed: November 8, 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.

AM/hw

cc: 

201033161/AM

