

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201040258
Issue No: 6019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 25, 2010
Tuscola 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 March 19, 2010. After due notice, a telephone hearing was held on Wednesday, August 25, 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 October 30, 2009.
2. On December 14, 2009, the Department sent the Claimant a Child Care Provider Verification form with a due date of December 28, 2009. Department Exhibit A-1.
3. On February 1, 2010, the Department sent the Claimant a Child Care Provider Verification form with a due date of February 11, 2010. Department Exhibit A-3.

4. The Department denied the Claimant's CDC application on February 16, 2010, for failure to provide the Department with information needed to determine eligibility.
5. The Department received the Claimant's request for an appeal on March 19, 2010, protesting the denial of 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 (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.

Clients are allowed ten calendar days to provide the verifications requested by the Department. BAM 130, p. 4. The Department should send a negative action notice when the client indicates a refusal to provide the verification, or the time period provided has lapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 4. The Department should extend the time limit no more than once if the client cannot provide the verification despite a reasonable effort. BAM 130, p. 4.

The Claimant applied for CDC benefits on October 30, 2009. On December 14, 2009, the Department sent the Claimant a Child Care Provider Verification form with a due date of December 28, 2009. On February 1, 2010, the Department sent the Claimant a Child Care Provider Verification form with a due date of February 11, 2010. The Department denied the Claimant's CDC application on February 16, 2010, for failure to provide the Department with information needed to determine eligibility.

The Claimant argued that she did return the Child Care Provider Verification forms and that the Department may have misplaced the forms. The Claimant testified that she applied for CDC benefits for a foster child she cared for from ██████ County, and therefore she believed she was required to send the Child Care Provider Verification forms to the Department's office in ██████ County.

The Department testified that it did not receive a Child Care Provider Verification form from the Claimant. The Claimant could not recall the date that she turned in the verifications forms to the Department's ██████ County office, and could not provide any evidence of their submission.

The Department has established that it acted in accordance with policy when it denied the Claimant's application for CDC benefits.

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: September 10, 2010

Date Mailed: September 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.

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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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