

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No: 2010-49732
Issue No: 6019
Case No: ██████████
Load No: ██████████
Hearing Date:
November 16, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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 telephone hearing was held on November 16, 2010, Detroit. Claimant personally appeared and testified under oath.

The department was represented by Diana Albert (FIM) and Joyce Williams (ES).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly deny claimant's CDC application because claimant failed to verify her eligibility factors (ID information for her designated provider) by the due date?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) On July 18, 2010, claimant applied for CDC. At the time, claimant designated her daughter, ██████████, as the designated provider.
- (2) The caseworker sent claimant a Verification Checklist (DHS-3050) requesting ██████████ drivers license and Social Security Number.

- (3) Claimant did not submit the required identification information for her designated provider by the due date.
- (4) On September 23, 2010, the department denied claimant's CDC application due to claimant's failure to provide the necessary verifications for her daughter, [REDACTED], by the due date.
- (5) On July 12, 2010, claimant requested a hearing.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The following policies apply to the issues raised by claimant:

VERIFICATIONS

All Programs

All clients must take action within their ability to obtain verifications. DHS staff must assist when necessary. See PAM/BAM 130, PEM/BEM 720, PAM/BAM 105 and PAM/BAM 500.

Current department policy requires that CDC applicants cooperate with the local office in determining initial and ongoing eligibility for CDC benefits.

This includes completion of the necessary forms, face-to-face meetings, when requested, and verifying all income and assets. PAM/BAM 105.

The preponderance of the evidence in the record shows that claimant failed to provide the ID information for her daughter (current driver's license with current address and the daughter's Social Security number).

Since claimant did not submit the required verifications by the due date, the caseworker correctly decided to deny claimant's CDC application.

A careful review of the record reveals no evidence of arbitrary or capricious action by the local office in processing claimant's CDC application.

Therefore, the action taken by the department is correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly requested CDC eligibility verifications from claimant's daughter. Furthermore, claimant failed to provide the necessary CDC verifications for her daughter by the due date.

Therefore, the action taken by the department is, hereby, AFFIRMED.

SO ORDERED.

/s/ _____

Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 3, 2010

Date Mailed: December 3, 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 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.

JWS/tg

cc:

