

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.: 201050043
Issue No.: 3008; 6019
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 22, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on September 22, 2010. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Did the Department properly close Claimant's Food Assistance Program benefits and deny Child Day Care assistance for failing to return 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 was an ongoing recipient of FAP benefits.
2. Claimant applied for CDC benefits on April 1, 2010.
3. A verification checklist was sent to Claimant on April 1, 2010 with an April 13, 2010 due date.
4. Claimant submitted verifications on April 27, 2010.
5. On July 13, 2010 Claimant's FAP case closed and her CDC application was denied.

6. Claimant requested a hearing on May 6, 2010.

CONCLUSIONS OF LAW

The Food Assistance Program, formerly known as the Food Stamp ("FS") program, is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations ("CFR"). The Department of Human Services ("DHS"), formerly known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Program Reference Manual ("PRM").

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 requirements for the Child Day Care program are delineated in Department policy: The client is responsible for obtaining any requested verifications needed to determine eligibility. Use the [DHS-3503](#), Verification Checklist, to inform the client of what verifications are needed at application and redetermination. You may also choose to use the form at case changes. A copy of all verifications must be filed in the case record.

See [BAM 210](#), Redeterminations, for policy regarding verification at redetermination.

Verification Timeframes The client is allowed a full 10 calendar days from the date verification is requested (the date of request is not counted) to provide the requested information. At least one extension must be given if the client cannot provide the verification despite a reasonable effort. For active cases, Bridges will allow timely notice if verifications are not returned. Verifications At Application The following is required prior to opening CDC on Bridges: • Verify the identity of the applicant and authorized representative, if any; see [BEM 221](#), Identity. • Obtain the Social Security number (**SSN**) of the CDC grantee. Do not deny eligibility solely because you are unable to obtain the SSN. (Note: aide and relative care providers must provide verification of their SSN; see [BEM 704](#), CDC Providers.) BEM 702.

Standard of Promptness- FIP, SDA, RAP, CDC, MA and AMP Only --Certify program approval or denial of the application within 45 days. Bridges automatically generates the client notice and if applicable, the CDC provider notice. BAM 115.

In the present case, Claimant informed the Department that she began to work at Obeng Cleaning Works and that she stopped working braiding hair. A verification of stopped employment form was given to Claimant. Claimant credibly testified that she took the form to her employer but the employer refused to complete and sign the form. This Administrative Law Judge cannot find that Claimant refused to cooperate. Therefore closure of FAP benefits for refusing to cooperate was improper and incorrect. BAM 130.

In the present case, as it relates to Claimant's CDC application, the Department failed to provide adequate explanation and proof regarding the CDC denial. The Department's denial of Claimant's CDC application was untimely. BAM 115. Claimant's application for CDC was filed April 1, 2010 and was denied on July 13, 2010, 104 days later. The Department asserted at hearing that the application for CDC was denied for failing to provide identification and social security numbers for the Claimant's child and the child care provider. Claimant submitted a CDC Provider Verification (DHS-4025) and CDC Provider Application (DHS 220A) on April 27, 2010. It appears that these verifications and application were not processed. Therefore the denial of Claimant's application was improper and incorrect.


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 FAP, and it is ORDERED that the Department's decision in this regard be and is hereby REVERSED. Claimant's FAP benefits shall be reinstated as of the date of closure, any missed benefits shall be paid to Claimant in the form of a supplement.

201050043/AM

This Administrative Law Judge further finds that the Department was incorrect in the denial of CDC benefits, and it is ORDERED that the Department's decision in this regard be and is hereby REVERSED. Claimant's CDC application shall be reinstated and reprocessed as of the date of application.

/s/


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

Date Signed: September 30, 2010

Date Mailed: September 30, 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.

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