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

IN THE MATTER OF:



Reg. No: 2010-50263

Issue No: 6019

Case No:

Load No:

Hearing Date:

November 17, 2010

Wayne County DHS (31)

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

HEARING DECISION

This matter is before the undersigned Admini strative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notic e, a telephone hearing was held on November 17, 2010. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly cancel claimant's Child Dev elopment and Care (CDC) paym ents based upon its' determination that claimant failed to provide verification information in a timely manner?

FINDINGS OF FACT

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

- (1) A DHS 4025 provider verification form was sent to claimant on March 6, 2010.
- (2) The form was not returned to the department.
- (3) A second DHS-4025 provider form was sent to claimant's address on May 21, 2010.
- (4) The second form was not returned to the department.
- (5) Prior authorization for Child Development Care services benefits had been approved through March 27, 2010.

- (6) A new DHS-4025 provider verification form was mailed to claimant on July 12, 2010.
- (7) On June 1, 2010, the department caseworker sent claimant notice that her Child Dev elopment and Care servic es benefits would be cancelled effective June 1, 2010, based upon its' determination that claimant had failed to provide verification inf ormation in the form of a DHS-4025 provider verification form.
- (8) On July 12, 2010, claimant file d a request for a hearing to contest the department's negative action.

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 Fede ral Regulations, Parts 98 and 99. The Department of Human Services (DHS or department) provides services to adults and children pursuant to MC L 400.14(1) and M AC R 400.5001-5015. Department policies are contained in the Program Administerative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The client is responsible for obt aining any requested verifications needed to determine eligibility. The department is to use the DHS-3503 v erification checklist to inform the claimant of what verifications are needed at application and re-determination. The department can also choose to use the form at case changes. A copy of all verifications must be filed in the case record, see BA M 210 for re-determinations and for policy regarding verification at re-determination. The client is allowed a full 10 ca lendar days from the date verification is requested to provide the requested information. If requested, at least one extension must be given if the client cannot provide the verification despite a reasonable effort. For active cases, BRIDGES will a llow a timely notice if verifications are not returned. (BEM, Item 702, pp. 1-2).

Clients have the right to choose the type of Child Care pro vider they wish to us e. Clients are not eligib le for CDC services fo r care provided by any of the following persons:

- A member of the CDC program group
- The applicant's/clients spouse who lives in the home
- The parent of the children or a legal guardian who is not a member of the CDC program group
- A provider who also provides Adult home help to any CDC program group, the CDC applic ant or the CDC applicants spouse fo r the same period in which child care is provided

- Individuals on Central Registry det ermined to be responsible for the neglect or abuse of a child/ children or convicted of a crime listed in the crime exhibit
- A CDC program member, applicant or applicant spouse who own in whole
 or part of the child care center, group or family child care home where the
 child care is provided. BEM, Item 714, p.1.

The department is to comple te a Central Registry clear ance and a criminal history background clearances on the provider and household members, age 18 and over listed on the DHS-220. All names used by the applicant/provider and adult members, such as the maiden or alias names as listed on the providers application must be cleared. BEM, Item 704, p. 6.

All child care provider s must be enrolled in provider management in order to receive payment from the department. BEM, Item 704, p. 11.

In the instant case, claimant failed to pr ovide the DHS-4025 provider verification information to the department in a timely m anner. Therefore, this Administrative La w Judge finds that the department has establis hed by the necessary competent, material and substantial evidence on the record that it was acting in compliance with department policy when it proposed to cancel claimant's Child Day Care case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusion sof law, decides that the department has established by preponderance of the evidence that it was acting in compliance with department policy when it determined that claimant had failed to provide a DHS-4025 provider verification checklist information to the department in a timely manner.

Accordingly, the department's decision is AFFIRMED.

		<u>/s/</u>
Landis		Y. Lain
		Administrative Law Judge
		for Duane Berger, Director
		Department of Human Services
Date Signed:_	January 18, 2011	
_	-	
Date Mailed:	January 19, 2011	

NOTICE: Administrative Hearings may or der 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 Hear ings will not orde rarehearing 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

LYL/alc

