

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

IN THE MATTER OF:



Reg. No: 2010-50726
Issue No: 6019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 4, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 hearing was held on October 4, 2010. Claimant's representative, Abdullah Mansoob appeared and testified.

ISSUE

Did the Department of Human Services (Department) properly deny Claimant's request for Child Day Care eligibility?

FINDINGS OF FACT

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

1. May 20, 2010, Claimant applied for CDC.
2. May 20, 2010, the Department requested verifications with a due date of June 1, 2010.
3. May 25, 2010, the Department received part of the requested verifications. The Claimant failed to provide proof of identity.
4. June 23, 2010, application denied.
5. July 16, 2010, the 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 (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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Under Program Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case, the Claimant applied for CDC on May 20, 2010. The Department sent the Claimant a verification request checklist. The Claimant signed and returned part of the information requested but failed to provide all of the requested verifications, specifically, proof of identity.

Relevant policy BEM 702 p. 1:

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.
- Verify the **alien status** for each child needing care who **is not a U.S. citizen**; see [BEM 225](#), Citizenship/Alien Status.
- Verify the need for CDC see [BEM 703](#), including:
 - Documentation of need for children over age 12 who need care (court order or a physician's statement).
 - Documentation of the need reason for EACH parent/substitute parent.

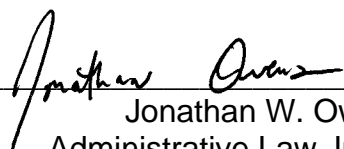
- Verify all countable income, if CDC Income Eligible group; see BEM 500.
- Verify presence of children, only if questionable.
- Verify the client is using an enrolled and eligible provider.
- Verify the children in care, the date care began, where care is provided and relative status with the DHS-4025, Child Care Provider Verification. This form must be signed by both the parent and all provider types (centers, homes, aides and relatives).

In the present case, the Department properly requested verifications necessary to open a CDC case. The Claimant submitted part of the requested verifications but failed to provide the required verification of identity. The Department allowed over 10 days for the Claimant to provide the requested verifications. The Department properly denied the Claimant's application for failure to provide requested verifications.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services was acting in compliance with Department policy.

Accordingly, the Department is UPHELD.


Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/12/10

Date Mailed: 10/13/10

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.

JWO/dj

cc:

