

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: 201052730
Issue No: 6019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 20, 2010
Kent 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 August 6, 2010. After due notice, a telephone hearing was held on October 20, 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 June 17, 2010. Department Exhibits 1 – 4.
2. On July 15, 2010, the Department sent the Claimant a Verification Checklist with a due date of July 26, 2010. Department Exhibits 5 – 6.
3. On July 26, 2010, the Department received one paycheck stub from the Claimant. Department Exhibit 7.
4. On July 27, 2010, the Department notified the Claimant that it had denied her CDC application. Department Exhibits 10 – 11.

5. The Department received the Claimant's request for a hearing on August 6, 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 M.A.C.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 June 17, 2010. On June 14, 2010, the Department sent the Claimant a Verification Checklist with a due date of July 26, 2010. The Department requested that the Claimant verify her income for the previous 30 days. On July 26, 2010, the Department received one paycheck stub from the Claimant. On July 27, 2010, the Department denied the Claimant's CDC application for failing to submit information to determine eligibility to receive benefits.

The Claimant argued that a Department Employee at the Department's call center instructed her that only one paycheck stub was needed to verify her income as long as her income was consistent. The Claimant testified that she was not aware that she could have requested an extension to turn in her income verification.

The Department's Verification Checklist includes notice to contact the Department if there are any problems obtaining verification documents and that benefits may be denied if these documents are not returned by the due date.

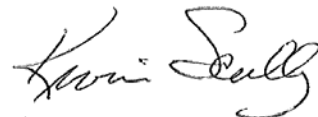
The Department's representative testified that employees at its call center give callers information from a pre-written script and that it is not consistent with the practices of the Department to give an applicant different instructions than those indicated on the Verification Checklist form. The Verification Checklist sent to the Claimant includes instructions to submit verification of income for the previous 30 days.

The Department has established that it properly denied the Claimant's CDC application for failing to submit information necessary to determine eligibility.

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.



Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 29, 2010

Date Mailed: October 29, 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.

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