

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2010-16955
Issue No: 6019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 11, 2010
Kent 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 August 11, 2010, in Grand Rapids. Claimant personally appeared and testified under oath.

The department was represented by Sarah Thomas (FIM) and Toni Tofano (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 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 September 7, 2009 claimant applied for CDC. At the time, claimant and her husband both had multiple employers.

(2) On October 9, 2009, the caseworker sent the claimant a Verification Checklist (DHS-3050) VCL.

(3) The caseworker requested the following employment verification for claimant:

[REDACTED]: Verification of hours worked and monthly income

[REDACTED] Verification of hours worked and monthly income

(4) The caseworker also requested the following employment information for

[REDACTED]:

[REDACTED] Verification of hours worked and monthly income

[REDACTED] Verification of hours worked and monthly income

(5) The due date for providing the required CDC employment verifications was October 19, 2009.

(6) Claimant did not provide the required verifications by the October 19th due date.

(7) On October 28, 2009, claimant spoke with her caseworker by phone. The caseworker agreed to a one-day extension to permit claimant to complete her CDC verification requirements.

(8) On October 28, 2009, claimant provided suitable verification of her [REDACTED] and [REDACTED].

(9) On October 28, claimant did not provide suitable verification of her [REDACTED] [REDACTED] employment. Also, she did not provide suitable verification of her husband's

██████████ employment and did not provide suitable self-employment verification for her husband's employment at ██████████.

(10) On October 27, 2010, the caseworker denied claimant's CDC application, in writing, due to claimant's failure to complete the CDC verification requirements.

(11) On November 13, 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 verify her current eligibility for CDC, when requested by the department on October 9, 2009.

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 and her husband. Furthermore, claimant failed to provide the necessary CDC verifications for herself and her husband by the due date (October 19, 2009).

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: August 23, 2010

Date Mailed: August 23, 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:

