

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: 201022405
Issue No: 6019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 17, 2010
Genesee 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 December 17, 2009. After due notice, a telephone hearing was held on Tuesday, August 17, 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 was an ongoing CDC recipient until September 13, 2009. Department Exhibit 2.
2. On July 17, 2009, the Department sent the Claimant a Redetermination form with a due date of August 3, 2010. Department Exhibit 1.
3. On August 20, 2009, the Department notified the Claimant that it was terminating his CDC benefits effective September 13, 2009, for failing to return the Redetermination form. Department Exhibit 2.

4. On August 27, 2009, the Department sent the Claimant a Child Care Provider Verification form with a due date of September 8, 2009.
5. On August 31, 2009, the Claimant returned the Redetermination form. Department Exhibit 5.
6. The Department received the Claimant's request for a hearing on December 17, 2009, protesting the termination of CDC benefits.

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 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 was receiving CDC benefits when the Department conducted a routine review of his eligibility for CDC benefits. On July 17, 2009, the Department sent the Claimant a Redetermination form with a due date of August 3, 2009. The Claimant did not return this form or the necessary verification documents by the due date. On August 20, 2009, the Department sent notice to the Claimant that it was terminating his CDC benefits effective September 20, 2009, due to the Claimant's failure to return the Redetermination form.

The Claimant met with his caseworker on August 27, 2009, and the Department sent him a Child Care Provider Verification form with a due date of September 9, 2009. The Claimant submitted verification of income and work schedule documents to the Department on August 31, 2009. The verification documents the Department received were incomplete, and the Department terminated the Claimant's CDC benefits.

The Claimant argued that he submitted a complete set of verification documents by facsimile before the due date of September 9, 2009, but a portion of the documents were lost due to problems with the facsimile machine. The Claimant testified that he was willing to submit the information, and would have if the Department had notified him of what information was missing from his submission.

The Department sent the Claimant notice that it required verification of his group income to determine eligibility for CDC benefits. The Department did not receive these documents by the due date of August 3, 2009, and it extended the deadline to September 9, 2009. The Claimant made a partial submission of documents to the Department on August 31, 2009, which the Department did not consider sufficient to determine eligibility for CDC benefits.

No evidence was presented at the hearing suggesting that the Claimant refused to provide the Department information necessary to determine his eligibility for benefits.

However, the Claimant received sufficient notice that he was required to submit documentation to the Department to maintain eligibility to receive CDC benefits. The Department gave the Claimant an additional opportunity to submit his documentation after the first deadline had passed. Based on the evidence and testimony available at the hearing, I find that the Claimant did not make a reasonable effort to provide the Department with a complete set of verification documents necessary to continue eligibility in the CDC program.

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.

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

Date Signed: September 10, 2010
Date Mailed: September 13, 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.

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.

KS/vc

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