

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.: 201023410
Issue No.: 6019
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 30, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on September 30, 2010. The Claimant appeared at the hearing and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Did the Department properly determine Claimant's 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 material fact:

1. Claimant applied for Child Day Care benefits on September 24, 2009.
2. A verification checklist requesting Child Care Provider verifications was sent to Claimant on October 14, 2009 with an October 26, 2009 due date.
3. Claimant did not receive the verification checklist.
4. The Department did not provide a copy of the verification checklist at hearing.
5. Claimant's application was denied on November 23, 2009 for failing to return verifications.

6. Claimant requested a hearing on December 1, 2009 regarding the denial of her Child Day Care 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 (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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. The questionable information might be from the client or a third party. Id. The Department can use documents, collateral contacts or home calls to verify information. Id. The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. BAM 130, p.4; BEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130, p. 4.

In the present case, Claimant credibly testified that she did not receive the verification checklist. Claimant further credibly testified that she followed up several times with her worker while her application was pending. This Administrative Law Judge cannot find that Claimant refused to cooperate or failed to make a reasonable effort. Therefore, the Department was incorrect to deny Claimant's application for failing to return verifications. The Department failed to provide a copy of the verification checklist at hearing, despite being given an opportunity to do so.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department improperly denied Claimant's Child Day Care assistance application, and it is ORDERED that the Department's decision in this regard be and is hereby REVERSED. Claimant's Child Day Care assistance application shall

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be reinstated and reprocessed back to the date of application.

/s/



Aaron McClintic
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: October 5, 2010

Date Mailed: October 5, 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 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.

AM/hw

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