

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. 201046505  
Issue No. 6015  
Case No. [REDACTED]  
Load No. [REDACTED]  
Hearing Date: September 14, 2010  
Kalamazoo County DHS

**ADMINISTRATIVE LAW JUDGE:** Carmen G. Fahie

**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 Tuesday, September 14, 2010. The claimant personally appeared and testified on her own behalf.

**ISSUE**

Did the department properly deny the claimant's Child Development and Care (CDC) case because the claimant failed to provide the required verifications?

**FINDINGS OF FACT**

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

1. The claimant was a recipient of CDC benefits.
2. On November 3, 2009, the claimant had a baby and was off work.
3. On November 7, 2009 daycare assistance ended because there was no need for CDC to continue, but notice was not sent out until January 21, 2010.
4. On January 21, 2010, the claimant received a notice that her CDC case was closed along with a childcare provider verification form and a verification checklist that were sent to the wrong address of [REDACTED]. (Department Exhibit 1-2)

5. On February 2, 2010, the claimant contacted her department caseworker to notify her that the claimant returned to work on December 10, 2009 and that her first check was received on January 7, 2010.
6. On February 2, 2010, the department caseworker sent the claimant another childcare verification form and a verification checklist that were sent to the wrong address of [REDACTED]. (Department Exhibit 3-5)
7. On February 12, 2010, the department caseworker stated that the Bridges computer system closed the claimant's CDC case for failure to return the verification forms, but the claimant's CDC case had already been closed on November 7, 2009.
8. On March 22, 2010, the department received a hearing request from the claimant, contesting the department's negative action.
9. During the hearing, the claimant stated that she moved in the middle of October 2009 and filled out a post office change of address. In addition, the claimant stated that her brother went to the local office in October 2009 to submit a change of address. The claimant stated in November 2009 that the claimant dropped off a change of address.
10. During the hearing, the department caseworker stated that the claimant had a FAP review on December 1, 2009, but the claimant did not let her know she was back to work but the claimant did not go back to work until December 10, 2009 which was 9 days after the FAP review.
11. During the hearing, the claimant stated that she called her caseworker but she does not call her back. The claimant stated that she used daycare in October 2009.
12. During the hearing, the caseworker stated that she's not always able to call back the claimant when she calls.

### **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).

In the instant case, the claimant was a recipient of CDC where she had a baby in [REDACTED]. The claimant's CDC stopped November 7, 2009, but the department did not send the denial notice until January 21, 2010. The claimant was not given notice that her CDC benefits had stopped. The claimant went to back to work on December 10, 2009. When the claimant went back to work on December 10, 2009, she did not know that her daycare had been closed.

The verification checklist dated January 21, 2010 and February 2, 2010 was sent to the wrong address. The claimant stated that she moved in October 2009 and sent her brother in October 2009 to the local DHS office to submit her new address and she herself came in November 2009. This Administrative Law Judge notes that the claimant's son was born on [REDACTED] and she was back to work by December 10, 2009. She was not given notice until January 21, 2010 that her CDC benefits had been cancelled.

Therefore, this Administrative Law Judge finds that the department was not acting in compliance with department policy when it determined that the claimant was not entitled to CDC benefits because she did not provide the required verifications. The claimant went back to work on December 10, 2009 and was not provided notice that her case was closing until January 21, 2010.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not properly close the claimant's CDC case and provide proper notice to the claimant.

Accordingly, the department's CDC decision is **REVERSED** and the department is **ORDERED** to determine the claimant's eligibility for CDC benefits retroactive to December 10, 2009 when she went back to work.

/s/ \_\_\_\_\_  
Carmen G. Fahie  
Administrative Law Judge  
For Ismael Ahmed, Director  
Department of Human Services

Date Signed: November 24, 2010

Date Mailed: November 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 90 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 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.

CGF / vc

cc:

