

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.: 201046768
Issue No.: 6012
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 7, 2010
Office: Wayne County DHS (57)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 7, 2010. The claimant appeared and testified; [REDACTED] also appeared and testified on behalf of Claimant. On behalf of Department of Human Services (DHS), [REDACTED], Manager, and [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly failed to register a Child Development and Care (CDC) application which Claimant attempted to submit to DHS.

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 completed a CDC application.
2. On 2/3/10, Claimant went to his assigned DHS office and attempted to give the completed CDC application to his DHS specialist.
3. Claimant's DHS specialist refused to accept Claimant's CDC application and provided Claimant with no alternative means to apply for CDC benefits.
4. Claimant requested a hearing on 5/21/10 regarding the refusal of DHS to accept and process Claimant's 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 (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 Bridges Reference Manual (BRM).

On the same day a person comes to the local office, s/he has the right to file an application and get local office help to provide the minimum information for filing. BAM 105 at 1. Local offices have the responsibility to ensure this client right. *Id.* at 8.

An application/filing form with the minimum information listed above must be registered in Bridges using the receipt date as the application date even if it does not contain enough information needed to determine eligibility. *Id.* at 1. The minimum information required includes: name of the applicant, birth date of the applicant (not required for FAP), address of the applicant (unless homeless) and the signature of the applicant or authorized representative. *Id.*

Claimant contends that sometime in the first week of 2/2010 that he went to his assigned local office to submit a CDC application to his specialist. He further contends that his specialist refused to accept the application and advised Claimant that he would also have to submit other documents before the application could be accepted. Other items that Claimant was told to submit were copies of identification for all household members and a DHS form regarding Claimant's chosen CDC provider. Claimant informed the specialist that he had already submitted those items but the specialist would still not accept the application.

The DHS specialist's testimony was so contradictory that it was difficult to discern what the DHS position was. The specialist denied mailing Claimant a CDC application in 1/2010 though the DHS Hearing Summary concedes that point. The specialist recalled Claimant attempting to submit documents and stated she did not know what the documents were and then contended that she refused to accept the CDC application because she knew Claimant would not be eligible for CDC benefits. The overall testimony was so convoluted and contradictory it cannot be used as a reliable source for any facts.

Following the submission of an application, DHS may make requests for required verifications. DHS may require an interview from a client when it is required by policy. DHS can unofficially advise a client that he or she will likely not be eligible for benefits based on policy and known client circumstances. There is no basis within the DHS regulations to justify a refusal of a completed application.

It would be reasonable for a busy specialist to decline accepting an application from a client who appeared without an appointment if that client was advised to submit the application through some other method. For example, Claimant's DHS office utilized a "drop-box"; the drop-box is a box in the DHS lobby which allows clients to leave documents for their specialist. Had DHS advised Claimant of the drop-box option, Claimant would have little excuse for not submitting the CDC application.

One point in favor for DHS, is that many clients do not need to be made aware of the drop-box as a source to submit an application. Claimant's DHS specialist may have mistakenly assumed that Claimant already knew he could submit his application through the drop-box because many clients utilize the drop-box to submit documents. Claimant credibly testified he was not advised and not aware of the drop-box option for submitting his CDC application. Claimant also credibly testified that he was made to believe that he could not submit a CDC application because he would not be eligible and lacked documents to submit the application. It is found that DHS refused to accept Claimant's CDC application and as a result, Claimant's CDC application was not registered.

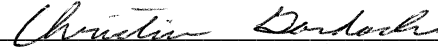
Claimant could only specifically identify that he attempted to submit the CDC application within the first week of 2/2010; the exact date was not known. DHS could not offer any credible testimony regarding the date that Claimant attempted to submit the CDC application. As a compromise, the undersigned selects the mid-point of the first week of February, 2/3/10, as the date that Claimant attempted to submit his CDC application. It is found that DHS improperly refused to accept Claimant's CDC application and improperly failed to register a CDC application with an application date of 2/3/10.

The undersigned does not make any decision concerning Claimant's eligibility for CDC benefits. This decision is limited only to Claimant's right to be evaluated for CDC benefits based on a 2/3/10 application date.

DECISION AND ORDER

The actions taken by DHS are REVERSED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly refused to accept Claimant's CDC application and accordingly, failed to register Claimant's CDC application. It is ordered that DHS register Claimant's CDC application back to 2/3/10 and to process the application in accordance with DHS policies.

/s/



Christian Gardocki
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: September 15, 2010

Date Mailed: September 15, 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.

CG/hw

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