

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: 2010-49768
Issue No: 6012
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 22, 2010
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

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 September 22, 2010. The claimant personally appeared and provided testimony, along with her provider, Joyce Simpson.

ISSUE

Did the department properly determine the eligibility date for the claimant to begin receiving Child Development and Care (CDC) benefits?

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 submitted an application for CDC benefits on April 6, 2010.

However, there was no signature page submitted with the application. (Department Exhibit 1 –4)

2. The department left the claimant a voicemail message on May 3, 2010, informing her that a signature page was needed.

3. On May 12, 2010, the department received the signature page of the application. (Department Exhibit 4)

4. On June 5, 2010, the claimant was mailed a Notice of Case Action (DHS-1605) that indicated the claimant had been determined eligible for CDC services with a start date of May 9, 2010. (Department Exhibit 5 – 10)

5. On July 7, 2010, the claimant submitted a hearing request.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Department policy indicates that an application must be registered with the receipt date if it contains all minimum information. BAM 105. One of these necessary items is a signature. BAM 105. If the application does not contain the minimum information, the department is to send it back to the client, along with a Notice of Missing Information (DHS-330). BAM 105.

In this case, the department did not return the application with a Notice of Missing Information, but called the client to inform her that the application was missing the signature

page. However, the department did not call the client to inform her of the missing item until May 3, 2010. The application had been turned in on April 6, 2010. The claimant submitted the signature page on May 12, 2010.

While department policy does not give a time limit to mail the claimant the Notice of Missing Information, one month does seem excessive. Thus, this Administrative Law Judge finds that the claimant should have been approved for CDC eligibility before May 12, 2010. While this Administrative Law Judge must come up with an arbitrary date to begin eligibility, I can determine it using the timeliness of the client turning in the information once notified it was missing by the department.

The claimant was notified by the department that she needed to submit the signature page on May 3, 2010. The claimant returned the signature page on May 12, 2010. Thus, all the necessary portions of the application to be considered for eligibility were present in nine days. The claimant originally turned in her application on April 6, 2010. Therefore, if nine days are added to her original application date, the date for CDC eligibility would be April 15, 2010.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department did not properly determine the eligibility date for the claimant to begin receiving Child Development and Care (CDC) benefits.

Accordingly, the department's determination is REVERSED. The department shall begin the claimant's CDC eligibility on April 15, 2010 and issue her any retroactive CDC benefits that her provider is eligible to receive.

SO ORDERED.

/s/ _____
Suzanne L. Morris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 19, 2010

Date Mailed: October 20, 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.

SLM 

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