

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 2010-50263
Issue No: 6019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 17, 2010
Wayne County DHS (31)

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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 November 17, 2010. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly cancel claimant's Child Development and Care (CDC) payments based upon its' determination that claimant failed to provide verification information in a timely manner?

FINDINGS OF FACT

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

- (1) A DHS 4025 provider verification form was sent to claimant on March 6, 2010.
- (2) The form was not returned to the department.
- (3) A second DHS-4025 provider form was sent to claimant's address on May 21, 2010.
- (4) The second form was not returned to the department.
- (5) Prior authorization for Child Development Care services benefits had been approved through March 27, 2010.

- (6) A new DHS-4025 provider verification form was mailed to claimant on July 12, 2010.
- (7) On June 1, 2010, the department caseworker sent claimant notice that her Child Development and Care services benefits would be cancelled effective June 1, 2010, based upon its' determination that claimant had failed to provide verification information in the form of a DHS-4025 provider verification form.
- (8) On July 12, 2010, claimant filed a request for a hearing to contest the department's negative action.

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 MC L 400.14(1) and M A C R 400.5001-5015. Department policies are contained in the Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The client is responsible for obtaining any requested verifications needed to determine eligibility. The department is to use the DHS-3503 verification checklist to inform the claimant of what verifications are needed at application and re-determination. The department can also choose to use the form at case changes. A copy of all verifications must be filed in the case record, see BAM 210 for re-determinations and for policy regarding verification at re-determination. The client is allowed a full 10 calendar days from the date verification is requested to provide the requested information. If requested, at least one extension must be given if the client cannot provide the verification despite a reasonable effort. For active cases, BRIDGES will allow a timely notice if verifications are not returned. (BEM, Item 702, pp. 1-2).

Clients have the right to choose the type of Child Care provider they wish to use. Clients are not eligible for CDC services for care provided by any of the following persons:

- A member of the CDC program group
- The applicant's/client's spouse who lives in the home
- The parent of the children or a legal guardian who is not a member of the CDC program group
- A provider who also provides Adult home help to any CDC program group, the CDC applicant or the CDC applicant's spouse for the same period in which child care is provided

- Individuals on Central Registry determined to be responsible for the neglect or abuse of a child/ children or convicted of a crime listed in the crime exhibit
- A CDC program member, applicant or applicant spouse who own in whole or part of the child care center, group or family child care home where the child care is provided. BEM, Item 714, p.1.

The department is to complete a Central Registry clearance and a criminal history background clearances on the provider and household members, age 18 and over listed on the DHS-220. All names used by the applicant/provider and adult members, such as the maiden or alias names as listed on the providers application must be cleared. BEM, Item 704, p. 6.

All child care providers must be enrolled in provider management in order to receive payment from the department. BEM, Item 704, p. 11.

In the instant case, claimant failed to provide the DHS-4025 provider verification information to the department in a timely manner. Therefore, this Administrative Law Judge finds that the department has established by the necessary competent, material and substantial evidence on the record that it was acting in compliance with department policy when it proposed to cancel claimant's Child Day Care case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department has established by preponderance of the evidence that it was acting in compliance with department policy when it determined that claimant had failed to provide a DHS-4025 provider verification checklist information to the department in a timely manner.

Accordingly, the department's decision is AFFIRMED.

Landis

/s/

Y. Lain
Administrative Law Judge
for Duane Berger, Director
Department of Human Services

Date Signed: January 18, 2011

Date Mailed: January 19, 2011

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.

LYL/alc

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