

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 2011-10218
Issue No: 6019
Case No: [REDACTED]
Hearing Date:
March 10, 2011
Washtenaw County DHS (20)

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

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 March 10, 2011. Claimant personally appeared and provided testimony.

ISSUE

Whether the department properly denied Claimant's Child Development and Care (CDC) benefit application for lack of verification?

FINDINGS OF FACT

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

1. On September 28, 2010, Claimant applied for CDC benefits.
2. On October 29, 2010, the department mailed Claimant a Verification Checklist (DHS 3503), requesting that Claimant provide proof of her self employment and her CDC provider assignment by no later than November 8, 2010, for purposes of determining her eligibility for the CDC program. (Department Exhibits 1-2).
3. On November 9, 2010, the department mailed Claimant a Notice of Case Action (DHS 1605), informing Claimant that her CDC application had been denied because Claimant failed to verify necessary information. (Department Exhibits 3-6).

4. On November 16, 2010, Claimant requested a hearing, protesting the denial of her CDC application.
5. On December 7, 2010, Claimant submitted to the department two pay stubs dated November 12, 2010 and November 24, 2010 for pay periods ending November 6, 2010 and November 20, 2010. (Department Exhibits 7-8).
6. The department's March 2011 call detail inquiry indicates that the Washtenaw County DHS office received 21 calls from Claimant's telephone number between November 15 and November 30, 2010. (Department Exhibit 9).

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 M.A.C.R. 400.5001-5015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Department policy provides that clients must cooperate with the local office in determining initial and ongoing eligibility with all programs. This includes completion of the necessary forms. BAM 105. Department policy further states that CDC payments will not be made until all eligibility and need requirements are met and care is being provided by an eligible provider. BEM 706. Eligibility and need requirements can not be determined until all forms have been received by the department. BEM 702.

Department policy further provides that clients must take actions within their ability to obtain verifications and the local office must assist clients who ask for help in completing forms or gathering verifications. BAM 130, BEM 702. Particular sensitivity must be shown to clients who are illiterate, disabled or not fluent in English. BAM 105. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130.

A client must be given 10 calendar days (or other time limit specified in policy) to provide the requested verification. If the client cannot provide the verification despite a reasonable effort, the department should extend the time limit at least once. BAM 130. The department should send a negative action notice when (i) the client indicates a refusal to provide a verification; or (ii) the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130.

In this case, Claimant disputes the denial of her CDC application based on her failure to provide the requested verification. At the hearing, Claimant testified that, upon receiving the Verification Check list, she called her caseworker several times to inform her that she did not understand what was being requested and needed assistance but she was unable to reach the caseworker and the caseworker (who has since retired) did not return her voicemails. Claimant further testified that she ultimately received guidance from a friend and submitted the appropriate verifications on December 7, 2010. This was of course after Claimant had received notice from the department that her CDC application had been denied.

While the department representative testified that the case file contained no notations of Claimant's efforts to contact the Washtenaw County DHS office and request assistance with gathering the requested verifications, the department representative performed a call detail inquiry in March 2011, which indicated that the Washtenaw County DHS office received 20 calls from Claimant's telephone number between November 15, 2010 and November 30, 2010. In short, these records indicate that, contrary to her testimony, Claimant did *not* contact her caseworker during the first two weeks of November 2010 and request assistance and only did so on and after November 15, 2010 – ie. after receiving the department's November 9, 2010, Notice of Case Action informing her that her CDC application had been denied.

Consequently, based on the evidence presented at the hearing, the Administrative Law Judge finds that Claimant has not provided credible evidence that she sought assistance from the local office in gathering the information she needed within the requisite timeframe. Therefore, based on the material and substantial evidence presented during the hearing, the Administrative Law Judge finds that the department properly denied Claimant's CDC application for failure to return the necessary verification.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied Claimant's CDC application for failure to return the necessary verification.

Accordingly, the department's actions are UPHeld. SO ORDERED.

____/s/

Suzanne D. Sonneborn
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 17, 2011

Date Mailed: March 18, 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 receipt 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.

SDS/alc

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