

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 2011-10220
Issue No: 6019
Case No: [REDACTED]
Hearing Date:
March 9, 2011
Calhoun County DHS

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 9, 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 29, 2010, Claimant applied for CDC benefits. (Department Exhibits 1-5).
2. On October 18, 2010, the department mailed Claimant a Verification Checklist (DHS 3503), requesting that Claimant provide proof of her enrollment in an educational program by no later than October 28, 2010, for purposes of determining her eligibility for the CDC program. (Department Exhibits 6-7).
3. On November 8, 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 8-11).

4. On October 29, 2010, Claimant requested a hearing, protesting the denial of her CDC application.
5. The department's March 9, 2011, call detail inquiry indicates that the Calhoun County DHS office did not receive any calls from Claimant's telephone number during the months of October and November 2010. (Department Exhibit 12).

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 Department staff must assist when necessary. BAM 130, BEM 702. 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 admitted she received the Verification Checklist requesting information on her enrollment in an education program by no later than October 28, 2010. Claimant testified that she hand-delivered the requested information (her class schedule) to the Calhoun County DHS office before the due date but could not specifically recall when she did so. Claimant also testified that

she called the Calhoun County DHS office several times after receiving the department's Notice of Action to report that she had in fact timely produced the requested information but, again, she could not recall specifically when she made these calls. In response, the department representative testified that, per office policy, each piece of mail received by the office is registered by the receptionist and all claimants must sign a log when delivering documents to the office. The department representative further testified that she reviewed the log in question and it did not contain Claimant's signature, nor was any mail registered by the receptionist as received from Claimant. Finally, the department representative performed a call detail inquiry on March 9, 2011, which indicated that the Calhoun County DHS office did not receive any calls from Claimant's telephone number during the months of October and November 2010. Consequently, based on the evidence presented at the hearing, Claimant was unable to provide competent, material and substantial evidence that she provided the department with the requested information in a timely fashion or that she asked for assistance in doing so.

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 16, 2011

Date Mailed: March 16, 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.

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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.

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