

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

IN THE MATTER OF:

[REDACTED]

[REDACTED]

[REDACTED]

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on [REDACTED]

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Child Development and Care (CDC) eligibility?

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 applied for Child Development and Care (CDC) benefits on [REDACTED]
2. On [REDACTED] the Department sent the Claimant a Child Development and Care (CDC) Provider Verification form and a Verification Checklist form with due dates of [REDACTED]
3. On [REDACTED] the Department notified the Claimant that it had denied her Child Development and Care (CDC) application for failure to provide information necessary to determine her eligibility to receive benefits.
4. The Department received the Claimant's request for a hearing on [REDACTED], [REDACTED] protesting the denial of her Child Development and Care (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 (DHS or Department) provides services to adults and children pursuant to MCL 400.14(1) and MAC 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).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. BAM 105. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

Clients are allowed ten calendar days to provide the verifications requested by the Department. BAM 130. The Department should send a negative action notice when the client indicates a refusal to provide the verification, or the time period provided has lapsed and the client has not made a reasonable effort to provide it. BAM 130. The Department should extend the time limit no more than once if the client cannot provide the verification despite a reasonable effort. BAM 130.

In this case, the Claimant applied for Child Development and Care (CDC) benefits on [REDACTED]. On [REDACTED], the Department sent the Claimant a Child Development and Care (CDC) Provider Verification form and a Verification Checklist form with due dates of [REDACTED]. When the Department did not receive the Claimant's completed Child Development and Care (CDC) Provider Verification form, it denied the application for benefits on [REDACTED].

The Claimant argued that she had returned the Child Development and Care (CDC) Provider Verification form before the due date. The Claimant testified that she faxed the completed form to the Department's office.

The Claimant testified that she had a fax receipt that she would provide as evidence that she sent the Child Development and Care (CDC) Provider Verification form in a timely manner. The Claimant testified during the hearing that she would submit her documentation by fax to this Administrative Law Judge by fax on the date of the hearing.

Three weeks after the hearing was conducted, no documentary evidence had been received by this Administrative Law Judge from the Claimant.

The Claimant has a duty to establish that she is eligible to receive benefits. In this case, the Claimant has not offered any evidence that she provided the Department with the information necessary to determine her eligibility to receive Child Development and Care (CDC) benefits. The Claimant has failed to establish that she is eligible to receive Child Development and Care (CDC) benefits.

The Department has established that it acted properly when it denied the Claimant's application for Child Development and Care (CDC) benefits for failure to provide information necessary to determine her eligibility to receive benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's Child Development and Care (CDC) eligibility.

The Department's Child Development and Care (CDC) eligibility determination is AFFIRMED. It is SO ORDERED.

_____/s/_____

Date Signed: _____

Date Mailed: _____

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 60 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.

