

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 201125448
Issue No.: 6015; 3000
Case No.: [REDACTED]
Hearing Date: May 23, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Susan Burke

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 May 23, 2011. Claimant appeared and testified. The Department of Human Services (Department or DHS) was represented by C. Stoudemire, ES.

ISSUE

Was the Department correct in denying Claimant's Child Development and Care (CDC) application due to failing to cooperate with the Department?

Was the Department correct in its determination of Claimant's Food Assistance Program (FAP) grant?

FINDINGS OF FACT

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

1. Claimant was an ongoing FAP recipient.
2. Claimant applied for CDC on [REDACTED].
3. Claimant requested an increase in FAP due to a decrease in hours effective [REDACTED].
4. The Department requested CDC provider verification by [REDACTED].

201125448/SB

5. Claimant submitted partially correct verification, and the Department requested the provider's social security card by [REDACTED].
6. Claimant faxed to the Department the provider social security card on [REDACTED].
7. The Department denied Claimant's CDC application on [REDACTED].
8. Claimant requested a hearing regarding the amount of FAP benefits and the denial of her CDC application.
9. At the hearing, the Department agreed to re-determine Claimant's FAP grant, effective [REDACTED] and ongoing, based on actual income.
10. As a result of the agreement, Claimant no longer requested a hearing regarding FAP.

CONCLUSIONS OF LAW

FAP is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department administers the FAP program pursuant to MCL 400.10 *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual.

The CDC 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 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 (BEM) and the Program Reference Manual (PRM).

Clients must cooperate with the local DHS office in obtaining verification for determining initial and ongoing eligibility. BAM 130. The questionable information might be from the client or a third party. *Id.* The Department can use documents, collateral contacts or home calls to verify information. *Id.* The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide the information should be extended at least once. BAM 130. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130.

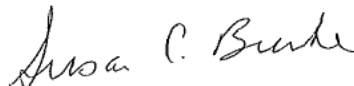
Under Bridges Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The Department provides an Administrative Hearing to review the decision and determine if it is appropriate. Department policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the Department receives a hearing request and continues through the day of the hearing.

In the present case, Claimant testified credibly that she submitted CDC provider verification by the due date, but upon learning from her worker that she needed to submit a social security card by [REDACTED], she obtained the social security card and faxed it to the Department on [REDACTED]. This Administrative Law Judge cannot find that Claimant failed to cooperate. Therefore, the Department was incorrect in denying Claimant's CDC application.

Claimant also requested a hearing on the issue of FAP allotment. At the hearing, the Department agreed to re-determine Claimant's FAP allotment, effective [REDACTED], based on actual income. As a result of the agreement, Claimant no longer requested a hearing on the FAP grant.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's decision to deny Claimant's application for CDC for failing to cooperate was incorrect and, therefore, it is ORDERED that the Department's decision with regard to CDC is REVERSED. It is ORDERED that the Department shall reinstate and reprocess Claimant's CDC application of [REDACTED], and if Claimant otherwise qualifies, all missed benefits shall be made in the form of supplemental payments. It is further ORDERED that the Department shall re-determine Claimant's FAP grant, effective [REDACTED] and ongoing, based on actual income, and any missed or increased benefits shall be made in the form of supplemental payments.



Susan Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 6/1/11

Date Mailed: 6/1/11

201125448/SB

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.

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