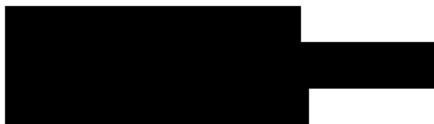


STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2011-37892  
Issue No.: 6015  
Case No.: [REDACTED]  
Hearing Date: August 11, 2011  
Wayne County DHS

**ADMINISTRATIVE LAW JUDGE:** Susan C. 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 August 11, 2011 in Detroit, Michigan. Claimant appeared and testified. The Department of Human Services (Department or DHS) was represented by [REDACTED].

**ISSUE**

Was the Department correct in its decision to close Claimant's Child Development and Care (CDC) case?

**FINDINGS OF FACT**

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

1. Claimant applied for CDC on or about April 1, 2010.
2. The Department approved Claimant's CDC application, effective February 27, 2011, but did not issue benefits.
3. The Department issued a Child Care Provider Verification on April 29, 2011.
4. Claimant did not receive the Child Care Provider Verification.
5. The Department closed Claimant's CDC case, effective July 3, 2011.
6. Claimant requested a hearing on June 8, 2011.

### **CONCLUSIONS OF LAW**

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. 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.

BAM 105 dictates that the Department shall protect client rights. (BAM 105, p. 1.)

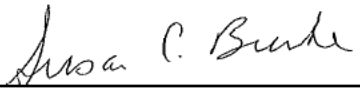
In the present case, Claimant testified credibly that she applied for CDC sometime in April of 2010. It appears that the Department approved Claimant's application, as the Bridges Eligibility Summary in evidence (Exhibit 5, p. 6) shows that Claimant's CDC case was approved from February 27, 2011 to July 3, 2011, when the CDC case was closed. The Hearing Summary (Exhibit 1) implies that Claimant's CDC case was closed due to failure to provide verifications, but the worker at the hearing was not sure why the case was closed and no Notice of Case Action was submitted into evidence. On April 29, 2011, the Department issued a Child Care Provider Verification form (see Exhibit 3, "Verification Checklist Details,) but Claimant testified credibly that she had no knowledge of the Provider Verification and the Department did not offer the Provider Verification form (DHS 4025) into evidence. Without more proof from the Department, I cannot find that Claimant refused to cooperate. Therefore, the Department was not correct in its decision to close Claimant's CDC case.

As to payments issued in Claimant's CDC case, Claimant requested a hearing on June 8, 2011, so this Administrative Law Judge can only address the CDC payments ninety days prior to the hearing. See BAM 600. I do not find that the Department protected Claimant's rights, as is required by BAM 105, as the Department appears to have given little attention to Claimant's CDC case.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds that the Department was not correct in its decision to close Claimant's CDC case, and therefore it is ORDERED that the Department's decision is REVERSED. It is further ORDERED that the Department shall:

1. Reinstate Claimant's CDC case effective July 3, 2011, if Claimant is otherwise eligible.
2. Issue supplements for missed CDC payments, if any, effective March 10, 2011, the date ninety days prior to the request for hearing.

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

Date Signed: 8/16/11

Date Mailed: 8/16/11

**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.

SB/sm

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