

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

IN THE MATTER OF:



Reg. No: 201143232
Issue No: 6019, 6015
Case No: [REDACTED]
Hearing Date: August 11, 2011
Montcalm County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

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. Claimant personally appeared and provided testimony, as did her mother.

ISSUE

Whether the department properly denied the claimant's application for Child Development and Care (CDC) benefits for failure to submit the required verifications?

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 submitted an application for CDC benefits February 9, 2011. (Department Exhibit 10).
2. The department sent the claimant a child development and care provider verification form (DHS 4025) on February 10, 2011 with a due date of February 22, 2011. (Department Exhibit 6).
3. The department did not receive the requested verification form by the due date of February 22, 2011.
4. The claimant was sent a notice of case action on February 24, 2011 stating that her application was denied and her current case would be closed due to her failure to submit the required verifications.
5. The claimant filed a hearing request on April 28, 2011.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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).

When applying for any form of assistance, the claimant must submit an application for the type of assistance requested. BAM 105. Additionally, the department also has obligations to allow claimant's to apply and to assist them in the application process where applicable. BAM 105. Regarding the department's responsibilities and the claimant's rights in relation to the application process, policy states as follows:

CLIENT RIGHTS

Right to Apply All Programs

On the same day a person comes to the local office, a person has the right to file an application and get local office help to provide the minimum information for filing. BAM 105.

LOCAL OFFICE RESPONSIBILITIES

All Programs

Ensure client rights described in this item are honored and that client responsibilities are explained in understandable terms. Clients are to be treated with dignity and respect by all DHS employees. BAM 105.

Request for Assistance

All Programs

A request for assistance may be in person, by mail, telephone or an application can be obtained on the Internet. The requester has the right to receive the appropriate application form:

- DHS-1171, Assistance Application (all programs). The DHS-1171 packet includes an information booklet and the assistance application. A filing form used to preserve the application filing date is available on the last page of the information booklet and online at www.michigan.gov/dhs-forms.
- DHS-4583, Child Development and Care (CDC) Application.
- DCH-0373D, MICHild/Healthy Kids Application (Healthy Kids categories). Brochures are available in English, Spanish, and Arabic on the DCH Web site at www.michigan.gov/mdch. Select MDCH brochures Available for Download from the Quick Links in the right navigation.
- DHS-4574, Medicaid Application for Nursing Facility Patients, LTC clients only.
- DHS-1514, State Emergency Relief Application. BAM 110.

Response to Requests

All Programs

For a request in person, the local office must do all of the following:

- Give the requester an application the same day.
- Explain the right to file the application (or DHS-1171 Filing Form, with the minimum information) that day and encourage the client to do so.
- Explain that the application date might affect the amount of benefits. Encourage the person to complete the entire application that day. Persons who cannot complete the entire application should complete the DHS-1171, Filing Form, to protect their application date. BAM 105 lists the minimum information to file an application.

For a request by letter or telephone, mail the application by the end of the next workday. If the application is not returned, the requester must be contacted according to local office procedures.

Applicants must be informed of their option to obtain a DHS-1171, Assistance Application, which includes a filing form, at the following web site: www.michigan.gov/dhs-forms. BAM 110.

CDC

For a request in person, the local office must:

- Give or send the client that same day the following forms:
- A DHS-4583, Child Development and Care (CDC) Assistance

Application, or a DHS-1171, Assistance Application.

- A DHS-4640, Child Development and Care (CDC) Applicant Instructions.
- A DHS-220, Child Development and Care Unlicensed Provider Application, if the client will be using an unlicensed provider and the provider is not currently enrolled in Provider Management.
- A DHS-4025, Child Care Provider Verification.
- Explain the requestor's right to file the application that day and encourage s/he to do so.
- Explain that the application receipt date will affect the effective date of eligibility for CDC.

For a request by letter or telephone, mail the application and the aforementioned forms to the requestor by the end of the next workday. BAM 110.

In relation to the claimant's responsibilities to provide the required verifications for the department to properly determine eligibility, department policy states as follows:

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Responsibility to Cooperate

All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. BAM 105.

Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. BAM 105.

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See BAM 130 and BEM 702. BAM 105.

Assisting the Client

All Programs

The local office must assist clients who ask for help in completing forms (including the DCH-0733-D) or gathering verifications. 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.

Obtaining Verification

All Programs

Tell the client what verification is required, how to obtain it, and the due date (see “Timeliness Standards” in this item). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification. BAM 130.

The client must obtain required verification, but you must assist if they need and request help.

If neither the client nor you can obtain verification despite a reasonable effort, use the best available information. If no evidence is available, use your best judgment. BAM 130.

Timeliness Standards

FIP, SDA, CDC, FAP

Allow the client 10 calendar days (or other time limit specified in policy) to provide the verification you request. BAM 130.

Exception: For CDC only, if the client cannot provide the verification despite a reasonable effort, extend the time limit at least once.

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email), the date of the transmission is the receipt date. Verifications that are submitted after the close of business hours through the drop box or by delivery of a DHS

representative are considered to be received the next business day.

Send a negative action notice when:

- . the client indicates refusal to provide a verification, or
- . the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130.

Note: For FAP only, if the client contacts the department prior to the due date requesting an extension or assistance in obtaining verifications, you must assist them with the verifications but do not grant an extension. Explain to the client they will not be given an extension and their case will be denied once the VCL due date is passed. Also, explain their eligibility will be determined based on their compliance date if they return required verifications. Re-register the application if the client complies within 60 days of the application date; see BAM 115, Subsequent Processing. BAM 130.

Claimants are required to comply with the local office to allow the department to determine initial or ongoing eligibility. BAM 105. The department informs the client what verification is required, how to obtain it, and the due date by using the Verification Checklist form (DHS-3503). BAM 130. Clients are provided ten days to return the verifications, but can request an extension of time to provide the verifications. BAM 130. If the time period to provide the verifications elapses and the verifications have not been provided, the department is directed to send a negative action notice. BAM 130.

In the case at hand, the claimant contends that she had submitted a CDC application in November of 2010. However, there was no evidence supplied at the hearing to support that contention and the department testified that the reception log does not show anything received from the claimant for that time period. The department did not show an application received until February 9, 2011 when a CDC filing form was submitted. The department thereafter sent the claimant a DHS 4025 verification form to the claimant with a date due to the department of February 22, 2011.

The claimant testified that she did not return this form to the department because she had already sent in the same form previously. Again, the evidence of record does not support the contention that these forms were turned in at any other time than what the department has on file. Therefore, this Administrative Law Judge finds that the department properly processed the claimant's application when it was received and properly denied said application due to lack of verifications.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that that the department also properly denied the claimant's application for CDC benefits for lack of verification.

Accordingly, the department's actions are **UPHELD**. SO ORDERED.

/s/

Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: August 29, 2011

Date Mailed: August 30, 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 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.

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