

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

IN THE MATTER OF:



Reg. No: 201144485
Issue No: 6015
Case No: [REDACTED]
Hearing Date: September 7, 2011
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

HEARING DECISION

This matter is before me 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 September 7, 2011. The Claimant and Department appeared by telephone and provided testimony.

ISSUES

Whether the department properly closed Claimant's Child Care and Development (CDC) case for failure to cooperate?

FINDINGS OF FACT

I find as material fact, based upon the competent, material and substantial evidence on the whole record:

1. Claimant applied for CDC on March 14, 2011. (Department Exhibit 2-21).
2. March 17, 2011, the Department mailed Claimant a Verification Checklist. The information requested was due back by March 28, 2011. (Department Exhibit 22-23).
3. On March 28, 2011, the Claimant had not yet returned to the Department the information requested on March 17, 2011.
4. On April 1, 2011, the Department sent the Claimant a Notice of Case Action. (Department Exhibit 24-31).
5. On April 14, 2011, the Claimant gave the Department the information they requested on March 17, 2011.
6. On June 24, 2011, the Claimant requested a hearing.

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 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 found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

The client is responsible for obtaining any requested verifications needed to determine eligibility. Use the DHS-3503, Verification Checklist, to inform the client of what verifications are needed at application and redetermination. You may also choose to use the form at case changes. A copy of all verifications must be filed in the case record.

The client is allowed a full 10 calendar days from the date verification is requested (the date of request is not counted) to provide the requested information. If requested, at least one extension must be given if the client cannot provide the verification despite a reasonable effort. For active cases, Bridges will allow timely notice if verifications are not returned.

The following is required prior to opening CDC on Bridges:

- Verify the identity of the applicant and authorized representative, if any; see BEM 221, Identity.
- Verify the client's address; see BEM 220 for acceptable verifications.
- Obtain the Social Security number (SSN) of the CDC grantee.
- Do not deny eligibility solely because you are unable to obtain the SSN.
- Verify the alien status for each child needing care who is not a U.S. citizen; see BEM 225, Citizenship/Alien Status.
- Verify the need for CDC; see BEM 703, including:

- Documentation of need for children over age 12 who need care (court order or a physician's statement).
- Documentation of the need reason for EACH parent/substitute parent.
- Verify all countable income, if CDC Income Eligible group; see BEM 500-504.
- Verify presence of children, only if questionable.
- Verify the client is using an enrolled and eligible provider.
- Verify the children in care, the date care began, where care is provided and the provider's relationship to the children with the DHS-4025, Child Care Provider Verification. This form must be signed by both the parent and all provider types (centers, homes, unlicensed).

See BEM 704 for provider verifications.

Because the Department had a firmer grasp of the times, dates and events in question, I find the Department's witnesses to be slightly more credible than the Claimant. As a result, I do not find the Claimant properly complied with the Department's request for additional verification materials. Therefore, I find the Department acted accordingly in denying Claimant's application for CDC benefits.

DECISION AND ORDER

I find, based upon the above findings of fact and conclusions of law the Department acted in accordance with policy in determining Claimant's CDC eligibility.

Accordingly, the department's actions are **AFFIRMED**.

_____/s/_____
Corey A. Arendt
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: September 8, 2011

Date Mailed: September 8, 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.

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.

CAA/cr

cc:

