

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

IN THE MATTER OF:



Reg. No: 2011-16498
Issue No: 6019
Case No: [REDACTED]
Hearing Date:
March 30, 2011
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

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 March 30, 2011. Claimant personally appeared and provided testimony.

ISSUE

Whether the department properly denied Claimant's Child Development and Care (CDC) benefit application for lack of verification?

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 applied for CDC benefits.
2. On July 7, 2010, the department mailed Claimant a Verification Checklist (DHS 3503), requesting that Claimant provide proof of child care provider assignment by submitting a Child Care Provider Verification (DHS 4025) by no later than July 19, 2010 for purposes of determining her eligibility for the CDC program. (Department Exhibits 1-2).
3. On August 13, 2010, the department mailed Claimant a Notice of Case Action (DHS 1605), informing Claimant that her CDC application had been denied because Claimant failed to verify necessary information. (Department Exhibits 3-7).

4. On September 13, 2010, Claimant requested a hearing, protesting the denial of her 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 M AC 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).

Department policy provides that clients must cooperate with the local office in determining initial and ongoing eligibility with all programs. This includes completion of the necessary forms. BAM 105. Department policy further states that CDC payments will not be made until all eligibility and need requirements are met and care is being provided by an eligible provider. BEM 706. Eligibility and need requirements can not be determined until all forms have been received by the department. BEM 702.

Department policy further provides that clients must take actions within their ability to obtain verifications and Department staff must assist when necessary. BAM 130, BEM 702. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130. A client must be given 10 calendar days (or other time limit specified in policy) to provide the requested verification. If the client cannot provide the verification despite a reasonable effort, the department should extend the time limit at least once. BAM 130. The department should send a negative action notice when (i) the client indicates a refusal to provide a verification; or (ii) the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130.

In this case, Claimant disputes the department's denial of her CDC application based on her failure to provide the requested verification. At the hearing, however, Claimant admitted she received the Verification Check list requesting information on her provider assignment by no later than July 19, 2010. Claimant also acknowledged that she does not remember whether she provided the department with the requested information in a timely fashion or, indeed, at all. The department has no record that Claimant ever submitted the requested information or that Claimant called the department requesting an extension of the submittal deadline.

Consequently, based on the evidence presented at the hearing, Claimant was unable to provide competent, material and substantial evidence that she provided the department with the requested information in a timely fashion.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied Claimant's CDC application for failure to return the necessary verification.

Accordingly, the department's actions are UPHeld. SO ORDERED.

___/s/___

Suzanne D. Sonneborn
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 30, 2011

Date Mailed: March 31, 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.

SDS/alc

cc:

