

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

IN THE MATTER OF:



Reg. No: 2011-18515  
Issue No: 6019



Genesee County DHS (Dist 6)

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

**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 24, 2011. The claimant appeared and provided testimony.

**ISSUE**

Did the department properly deny the claimant's Child Development and Care (CDC) application for failure to provide the required documents?

**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 turned in a Child Development and Care Application form (DHS-4583) for CDC benefits on October 13, 2010. (Department Exhibit A)
2. The client did not submit a Child Care Provider Verification Form (DHS-4025) with the application. On October 27, 2010, the worker contacted the client and informed her DHS-4025 needed to be completed and returned. The case worker printed a copy of this form for the client and left it at the front desk. (Department Exhibit B)

3. The department mailed the claimant a Notice of Case Action (DHS-1605) on November 9, 2010, informing her the CDC application was denied for failure to turn in the verification. (Department Exhibit C)
4. The claimant submitted a hearing request on January 24, 2011.

### **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 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).

Department policy states:

#### **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, Item 105, p. 5.

The claimant testified at the hearing that she did submit the DHS-4025 to the department. Claimant further testified that she picked up the form from the local office and returned it the next day.

This Administrative Law Judge left the record open until June 7, 2011 to allow the department to check the lobby/reception log to determine if the claimant signed in to drop off documents. On June 7, 2011, the undersigned received a fax from the case worker that indicated she had checked the reception log and found the client did drop off paperwork on October 29, 2010. Coincidentally, another client with the same last name as the claimant also dropped off some paperwork. The case worker checked the other client's file and found the DHS-4025 that had been submitted by the client.

Thus, through the department's investigation, it was determined that the client did submit the required paperwork in a timely manner. Therefore, the department has agreed to reinstate the October 13, 2010 application and process it accordingly.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department improperly denied the claimant's Child Development and Care (CDC) application.

Accordingly, the department's actions are REVERSED. The department will reinstate the claimant's October 13, 2010 CDC application and process it accordingly. SO ORDERED.

\_\_\_\_\_/s/\_\_\_\_\_  
Suzanne L. Morris  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: 6/14/11

Date Mailed: 6/14/11

**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.

SM/ds

