

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-21534
Issue No: 6019

[REDACTED]

[REDACTED]

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 25, 2011. The claimant appeared and provided testimony.

ISSUE

Did the department properly deny the claimant's Child Development and Care (CDC) application?

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 12, 2010.
2. On October 29, 2010, a Child Development and Care Unlicensed Provider Application (DHS-220) was submitted by the claimant's provider, along with a copy of her social security card and driver's license. (Department Exhibit 1 – 5)
3. The provider's driver's license showed a change of address from Stonegate Drive to Clinton Street. (Department Exhibit 4 – 5)

4. The provider was receiving other State benefits at a household on West Jackson Avenue. (Department Exhibit 6 – 9)
5. On January 8, 2011, the department denied the claimant's CDC application because her provider was unable to be approved due to the discrepancies. (Department Exhibit 10)

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.

Department policy 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 requires the provider to provide:

- Proof of residence and/or mailing address (at application). Acceptable verifications are:
 - Driver's license
 - Other ID which provides a name **and** address
 - Mortgage or rent receipt

- Utility bill

All required verifications must match the provider's name listed on the application and must be copied and maintained in the provider file.

In this case, the claimant's provider submitted a driver's license with the address changed from [REDACTED]. However, the provider was receiving State benefits at an address on [REDACTED]. The claimant testified that the provider is her niece and was only living at the Clinton Street address for a couple of weeks due to a house fire. Claimant further testified that the provider resides at the West Jackson Street address.

The department has an active case that the provider receives benefits on. That case has an address of [REDACTED]. However, while the claimant testified that her provider resides there, the provider's driver's license does not list that as an address at all. The two addresses on the provider's driver's license are [REDACTED]. It is unclear why the claimant would not have the [REDACTED] address on her driver's license if this was truly her residence. Thus, the department was unable to determine the accurate information on where the provider resided. Due to the conflicting information, the department properly denied the application.

DECISION AND ORDER

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

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

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

Date Signed: 6/29/11

Date Mailed: 6/29/11

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

■ [REDACTED]