

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201130290
Issue No.: 6015
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: May 19, 2011
DHS County: Wayne County DHS (31)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 19, 2011. Claimant appeared and testified. FIS [REDACTED] [REDACTED] appeared on behalf of the Department of Human Services (Department or DHS).

ISSUE

Was the Department correct in denying Claimant's Child Development and Care (CDC) application due to failure to cooperate with the Department?

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 on January 14, 2011.
2. The Department did not present a verification checklist into evidence.
3. Claimant submitted all requested documentation to the Department.
4. The Department denied Claimant's CDC application due to failure to return verifications.
5. Claimant requested a hearing, protesting the denial of her CDC application.

CONCLUSIONS OF LAW

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 M A C 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).

Clients must cooperate with the local DHS office in obtaining verification for determining initial and ongoing eligibility. BAM 105, 130. The questionable information might be from the client or a third party. *Id.* The Department can use documents, collateral contacts or home calls to verify information. *Id.* The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide the information should be extended at least once. BAM 130. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130.

In the present case, the Department did not offer into evidence a verification checklist or any other documentation showing that the Department requested information from Claimant. Claimant testified credibly that she submitted all requested documentation to the Department. Therefore, the Department was incorrect in denying Claimant's CDC application for failure to cooperate.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's decision to deny Claimant's application for CDC was not correct, and, therefore, it is ORDERED that its decision is REVERSED. It is further ORDERED that the Department shall reinstate and reprocess Claimant's January 14, 2011 application for CDC, and if Claimant meets eligibility requirements, any missed provider payments shall be made in the form of a supplement.

/s/ _____
Susan C. Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

2011-30290/SCB

Date Signed: May 27, 2011

Date Mailed: May 27, 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 of the rehearing decision.

SCB/ctl

cc:

