

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 2011-41885

Issue No: 6027

Case No: [REDACTED]

Hearing Date:

August 4, 2011

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

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 August 4, 2011. Claimant personally appeared and provided testimony, as did her mother.

ISSUE

Whether the department properly processed the claimant's request and application for Child Development and Care (CDC) benefits?

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 is currently receiving CDC benefits.
2. The claimant submitted an application for assistance (DHS 1171) requesting assistance for Food Assistance, Medical Assistance, and State Disability Assistance on January 3, 2011. (Department Exhibit 1-15).
3. The claimant did not indicate a need for CDC benefits on that application. (Department Exhibit 1).
4. The claimant submitted two forms pertaining to CDC benefits; a DHS 4025 on April 22, 2011 and a DHS 220 on May 2, 2011. Department Exhibits 16-18).

5. The claimant did not begin receiving CDC benefits until June, 2011.
6. The claimant filed a hearing request on June 9, 2011.

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

When applying for any form of assistance, the claimant must submit an application for the type of assistance requested. BAM 105. Additionally, the department also has obligations to allow claimant's to apply and to assist them in the application process where applicable. BAM 105. Regarding the department's responsibilities and the claimant's rights in relation to the application process, policy states as follows:

CLIENT RIGHTS

Right to Apply All Programs

On the **same day** a person comes to the local office, a person has the right to file an application and get local office help to provide the minimum information for filing. BAM 105.

LOCAL OFFICE RESPONSIBILITIES

All Programs

Ensure client rights described in this item are honored and that client responsibilities are explained in understandable terms. Clients are to be treated with dignity and respect by all DHS employees. BAM 105.

Request for Assistance

All Programs

A request for assistance may be in person, by mail, telephone or an application can be obtained on the Internet. The requester has the right to receive the appropriate application form:

- DHS-1171, Assistance Application (all programs). The DHS-1171 packet includes an information booklet and the assistance application. A filing form used to preserve the application filing date is available on the last page of the information booklet and online at www.michigan.gov/dhs-forms.
- DHS-4583, Child Development and Care (CDC) Application.
- DCH-0373D, MICHild/Healthy Kids Application (Healthy Kids categories). Brochures are available in English, Spanish, and Arabic on the DCH Web site at www.michigan.gov/mdch. Select MDCH brochures Available for Download from the Quick Links in the right navigation.
- DHS-4574, Medicaid Application for Nursing Facility Patients, LTC clients only.
- DHS-1514, State Emergency Relief Application. BAM 110.

Response to Requests

All Programs

For a **request in person**, the local office must do all of the following:

- Give the requester an application the **same day**.
- Explain the right to file the application (or DHS-1171 Filing Form, with the minimum information) **that day** and encourage the client to do so.

- Explain that the application date might affect the amount of benefits. Encourage the person to complete the entire application that day. Persons who cannot complete the entire application should complete the DHS-1171, Filing Form, to protect their application date. [BAM 105](#) lists the minimum information to file an application. For a **request by letter or telephone**, mail the application by the end of the **next workday**. If the application is **not** returned, the requester must be contacted according to local office procedures. Applicants must be informed of their option to obtain a DHS-1171, Assistance Application, which includes a filing form, at the following web site: www.michigan.gov/dhs-forms. BAM 110.

CDC

For a **request in person**, the local office must:

- Give or send the client **that same day** the following forms:
 - A DHS-4583, Child Development and Care (CDC) Assistance Application, or a DHS-1171, Assistance Application.
 - A DHS-4640, Child Development and Care (CDC) Applicant Instructions.
 - A DHS-220, Child Development and Care Unlicensed Provider Application, if the client will be using an unlicensed provider and the provider is not currently enrolled in Provider Management.
 - A DHS-4025, Child Care Provider Verification.
- Explain the requestor's right to file the application **that day** and encourage s/he to do so.
- Explain that the application receipt date will affect the effective date of eligibility for CDC.

For a **request by letter or telephone**, mail the application and the aforementioned forms to the requestor by the end of the **next workday**. BAM 110.

In the case at hand, the claimant testified that she requested an application for CDC benefits from her case worker. She further testified that she filled out the paperwork that was given to her and turned it in to the department. The claimant could not remember specifically when she told the case worker that she was requesting the CDC assistance, but stated that she believed it was some time in February, 2011. At the hearing, the department representative testified that she believed there had been some

miscommunication between the department and the claimant because the claimant had submitted some forms (albeit the incorrect forms) for CDC benefits.

The evidence of record does show that the claimant completed and submitted a DHS 220 (department Exhibit 18) on May 2, 2011 and a DHS 4025 (Department Exhibits 16-17) on April 22, 2011. These two forms are related to CDC benefits, so it would stand to reason that the claimant's testimony is credible that she had requested the assistance but had been provided the wrong forms. The department has an obligation to provide a claimant seeking assistance with the proper forms to request such. BAM 105. Furthermore, the claimant has the right to receive the appropriate application form. BAM 110. Although policy does state that an application must be submitted for it to be considered, policy also speaks to a claimant's right to be provided with the correct application. This Administrative Law Judge finds that the claimant at some point did request CDC benefits, was provided incorrect forms, and turned them in on April 22, 2011. Therefore, the claimant attempted to apply for CDC benefits as of April 22, 2011, but through no fault of her own, submitted the improper forms. The claimant should have her application evaluated for CDC eligibility as of April 22, 2011.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant took appropriate steps to apply for CDC benefits as of April 22, 2011.

Accordingly, the department's actions are REVERSED and the department shall determine the claimant's eligibility for CDC benefits as of April 22, 2011 and, if applicable, issue any past due benefits due and owing to the claimant.

It is SO ORDERED.

/s/ _____
Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: August 15, 2011

Date Mailed: August 16, 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 date of the rehearing decision.

CS/tg

cc:

