

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201154680
Issue No: 6019
Case No: [REDACTED]
Hearing Date: October 26, 2011
Berrien 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 October 26, 2011. Claimant appeared and provided testimony.

ISSUE

Whether the department properly determined Claimant's eligibility 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. On July 25, 2011, Claimant applied for CDC benefits. (Department Exhibit 4)
2. On August 19, 2011, the department mailed Claimant a Verification Checklist (DHS 3503), requesting that Claimant provide a copy of her child care provider's driver's license and social security card by no later than August 29, 2011 for purposes of determining her eligibility for the CDC program. (Department Exhibit 5)
3. On September 6, 2011, 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 Exhibit 6)
4. On September 7, 2011, the department received Claimant's completed verification, which was signed by Claimant on August 29, 2011. (Testimony, DHS Assistant Payments Supervisor Carey Taylor)

5. On September 15, 2011, Claimant requested a hearing, protesting the denial of her CDC application.¹ (Request for a Hearing)

CONCLUSIONS OF LAW

Clients have the right to contest a department decision affecting eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600. 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 her claim for assistance has been denied. MAC R 400.903(1).

The Child Development and Care (CDC) program was 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).

The goal of the CDC program is to preserve the family unit and to promote its economic independence and self-sufficiency by promoting safe, affordable, accessible, quality child care for qualified Michigan families. BEM 703. The department may provide a subsidy for child care services for qualifying families when the parent(s)/substitute parent(s) is unavailable to provide the child care because of employment, participation in an approved activity and/or because of a condition for which treatment is being received and care is provided by an eligible provider. BEM 703.

Department policy provides that for CDC eligibility to exist for a given child, the client must apply for CDC, meet the requirements of an eligibility group, have a valid need reason, and use an eligible provider. BEM 703.

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.

¹ While Claimant's Request for a Hearing also sought a hearing regarding Claimant's Food Assistance Program (FAP) benefits, Claimant testified at the hearing that she no longer required a hearing on that issue.

Department policy further provides that clients must take actions within their ability to obtain verifications and the local office must assist clients who ask for help in completing forms or gathering verifications. BAM 130, BEM 702. Particular sensitivity must be shown to clients who are illiterate, disabled or not fluent in English. BAM 105. 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 denial of her CDC application based on her failure to provide the requested verification. At the hearing, Claimant testified that she timely provided the department with the requested verification by personally dropping off the documentation in the drop-box at the local DHS office on August 29, 2011. However, the department representative testified that it is the local DHS office's standard practice to stamp mail received in the drop-box either that day or the following day and, in this instance, the local DHS office stamped Claimant's documentation as received on September 7, 2011. The department representative further testified that at no time between August 29, 2011 (the verification request deadline) and September 6, 2011 (the date the department denied Claimant's CDC application) did Claimant contact the department to request assistance or additional time in completing the verification request.

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 or that she asked for assistance in doing so. Therefore, based on the material and substantial evidence presented during the hearing, the Administrative Law Judge finds that the department properly denied Claimant's CDC application for failure to return the necessary verification.

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: October 27, 2011

Date Mailed: October 28, 2011

NOTICE: The Michigan Administrative Hearing System (MAHS) 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. MAHS 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/cr

cc:

