

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201232289
Issue No: 6015
Case No: [REDACTED]
Hearing Date: April 2, 2012
Kalamazoo 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 April 2, 2012. Claimant personally appeared and provided testimony.

ISSUE

Whether the department properly closed the claimant's case for Child Development and Care (CDC) benefits for failure to cooperate by not submit the required verifications?

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 September 7, 2011, the claimant submitted and application for Child Development and Care (CDC) benefits. (Department Exhibits 2-6).
2. The department sent the claimant a verification checklist on October 4, 2011, requesting verification of her school schedule with a due date of October 14, 2011. (Department Exhibits 7-8).
3. The claimant submitted the child care education verification form provided by the department (DHS 4578) to the office of the registrar at [REDACTED].
4. The department received the DHS 4578 signed by the registrar on October 12, 2011. (Department Exhibits 9-10).

5. Because the DHS 4578 was not properly filled out, the department sent the claimant a quick note on October 21, 2011 advising her to submit more information due to the incomplete DHS 4578. (Department Exhibit 11).
6. The claimant was sent a notice of case action on October 24, 2011, advising the claimant that her CDC application had been denied for failing to allow the department to verify necessary information. (Department Exhibits 12-15).
7. The claimant filed a request for hearing on February 3, 2012 protesting the denial of her application.

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).

In relation to the claimant's responsibilities to provide the required verifications for the department to properly determine eligibility, department policy states as follows:

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 105.

Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. BAM 105.

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See BAM 130 and BEM 702. BAM 105.

Assisting the Client

All Programs

The local office must assist clients who ask for help in completing forms (including the DCH-0733-D) or gathering verifications. 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.

Obtaining Verification

All Programs

Tell the client what verification is required, how to obtain it, and the due date (see "**Timeliness Standards**" in this item). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification. BAM 130.

The client must obtain required verification, but you must assist if they need and request help.

If neither the client nor you can obtain verification despite a reasonable effort, use the best available information. If **no** evidence is available, use your best judgment. BAM 130.

Timeliness Standards

FIP, SDA, CDC, FAP

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification you request. BAM 130.

Exception: For CDC only, if the client cannot provide the verification despite a reasonable effort, extend the time limit at least once.

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email), the date of the transmission is the receipt date. Verifications that are submitted after the close of business hours through the drop box or by delivery of a DHS representative are considered to be received the next business day.

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed and the client has **not** made a reasonable effort to provide it. BAM 130.

Claimants are required to comply with the local office to allow the department to determine initial or ongoing eligibility. BAM 105. The department informs the client what verification is required, how to obtain it, and the due date by using the Verification Checklist form (DHS-3503). BAM 130. Clients are provided ten days to return the verifications, but can request an extension of time to provide the verifications. BAM 130. If the time period to provide the verifications elapses and the verifications have not been provided, the department is directed to send a negative action notice. BAM 130.

In the case at hand, the claimant took the proper steps to have the verification completed by submitting the DHS 4578 to the registrar of her university. The registrar did not complete the form correctly and the department subsequently notified the claimant via quick note that the necessary information was not provided. At the hearing the department representative testified that she extended the deadline for the verifications by 10 days and when that extension was over denied the application. However, the department worker extended the date ten days from the original due date and the claimant was not notified until October 21, 2011 that the information submitted was not accurate. Therefore, the claimant only had three days from the date the quick note was mailed out until her case was closed. The department representative further testified that the claimant submitted the additional information on October 31, 2011. If the department worker had extended the due date 10 days from the date that the quick

note was mailed out, the claimant would have submitted the additional information on time.

The Administrative Law Judge finds that the claimant took reasonable and appropriate steps to provide the information requested by the department. Additionally, as soon as the claimant became aware that the information she had submitted was not complete, she took immediate steps to provide the completed information. Accordingly, the Administrative Law Judge does not find that the claimant failed to cooperate with the application process and that she substantially complied with the requests of the department. Therefore, the department did not act properly in denying the claimant's CDC application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that that the department did not properly deny the claimant's application for CDC benefits for failure to cooperate with the application process.

Accordingly, the department's actions are **REVERSED**.

It is HEREBY ORDERED that the department shall shall initiate a determination of the claimant's eligibility for CDC benefits as of her original date of application (September 7, 2011) and allow the claimant to submit any additional information that may be required, if necessary. If the claimant is found to be otherwise eligible, the department shall issue any benefits due and owing that the claimant is otherwise eligible to receive back to the original date of application.

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

Date Signed: April 23, 2012

Date Mailed: April 23, 2012

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.

CSS/cr

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