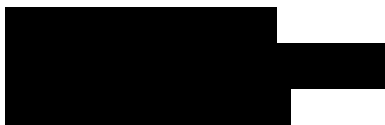


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201233634
Issue No: 6015
Case No: [REDACTED]
Hearing Date: April 26, 2012
Ingham 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 26, 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 submitting 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. The claimant was a recipient of CDC benefits.
2. On December 1, 2011, the claimant completed a redetermination interview and submitted redetermination paperwork. (Department Hearing Summary).
3. The claimant was sent a verification checklist (DHS 3503) on November 9, 2011, requesting a child care family preservation need form to be submitted by November 21, 2011. (Department Exhibit 10).
4. The claimant contacted the department and stated that her doctor's office lost the form which caused the department to send the claimant a new form and extend the due date to December 12, 2011.
5. The department did not receive the completed child care family preservation need form by December 12, 2011.

6. The claimant was sent a notice of case action on December 22, 2011, stating that the claimant's CDC case had been for failing to allow the department to verify necessary information. (Department Exhibits 11-13).
7. The claimant filed a request for hearing on February 3, 2012 protesting the closure of her case.

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 testified that she was unable to obtain the requested verifications because her doctor was on vacation during the time period in question. The claimant testified that her CDC need arises from medical issues with one of her children. The claimant stated that because her regular doctor was on vacation, the doctor substituting during said time period would not complete the requested form as that doctor was not familiar with the case. The requested form was completed by the claimant's regular doctor and submitted to the department on January 9, 2012. The department had extended the claimant's due date for the verifications once because the claimant called and informed the department that her doctor's office had lost the original form. The claimant further testified that she contacted the department after learning that her doctor was on vacation and stated that she was unable to get the requested form completed by the due date.

The Administrative Law Judge credits the testimony of the claimant and finds that she did call to inform the department that she was unable to obtain the requested verification. The fact that the requested verification was turned in, albeit late, bolsters the claimant's assertion that she was unable to have said verification completed due to the doctor's vacation. Accordingly, the Administrative Law Judge finds that the claimant took reasonable steps and made reasonable efforts to have the requested verifications completed. Policy directs that if reasonable efforts are made by a claimant to obtain verifications, the department is to extend the due date at least once. Because the claimant was unable to obtain the requested verifications despite her reasonable effort, the department should have granted the claimant another extension and allowed her to submit the verifications upon the return of her doctor.

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 close the claimant's case for CDC benefits.

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

It is HEREBY ORDERED that the department shall initiate a determination of the claimant's eligibility for CDC benefits as of the date of negative action (December 17, 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 date of negative action.

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

Date Signed: May 16, 2012

Date Mailed: May 17, 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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