

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

IN THE MATTER OF:



Reg. No.: 201251119
Issue No.: 6012
Case No.: [REDACTED]
Hearing Date: October 25, 2012
County: Oakland DHS (04)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on October 25, 2012 from Detroit, Michigan. Participants included the above named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUES

The first issue is whether Claimant submitted a Child Development and Care (CDC) application to DHS in 2/2012.

The second issue is whether DHS timely processed Claimant's CDC benefit application submitted to DHS on 3/22/12.

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On 2/29/12, Claimant did not submit a CDC benefit application to DHS.
2. DHS did not process Claimant's non-existent application dated 2/29/12.
3. On 3/22/12, Claimant submitted a CDC application to DHS.
4. As of 10/25/12, DHS has not processed Claimant's CDC benefit application dated 3/22/12.

5. On 5/2/12, Claimant requested a hearing to dispute the alleged failure by DHS to process CDC benefit applications dated 2/29/12 and 3/22/12.

CONCLUSIONS OF LAW

The Child Development and Care (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 Mich Admin Code, R 400.5001 through R 400.5015.

An application/filing form with the minimum information listed above must be registered in Bridges (the DHS database) using the receipt date as the application date, even if it does not contain enough information needed to determine eligibility. BAM 110 (12/2011), p. 1. DHS has certain timeframes in which applications should be processed; the timeframes are referred to as standards of promptness. The standard of promptness for processing CDC applications is 45 days. BAM 115 (12/2011), p. 12.

Claimant alleged that she submitted a CDC benefit application to DHS and that DHS failed to process her application. Claimant testified that the application was submitted in 2/2012 but she was unsure of the exact date. Claimant stated that she submitted the application on the same day that she signed the application. DHS presented testimony that applications were received from Claimant on 3/22/12 and 4/11/12; both applications had Claimant signature dates of 2/29/12. Thus, 2/29/12 was found to be the most probable date that Claimant would have submitted her application.

Claimant testified that the application was submitted through the DHS office drop-box. The drop-box is a box in the DHS office lobby which gives clients a convenient and secure place to submit documents. The box is next to a log that clients can sign so the submission is verified.

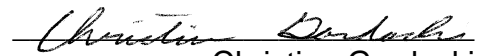
The DHS worker obtained drop-box logs for 2/29/12, 3/1/12 and 3/2/12. The first couple of days in March were checked in case Claimant had waited a day or two to submit her CDC application after signing it. Claimant was given an opportunity to check the logs. Her name did not appear on the logs. It is possible that Claimant submitted the application to DHS but forgot to sign the log. The more plausible explanation is that Claimant did not submit the application in 2/2012. Based on the presented evidence, it is found that Claimant did not submit a CDC benefit application to DHS in 2/2012 and that DHS properly never processed such an application.

It was not disputed that DHS received a CDC benefit application from Claimant on 3/22/12. DHS conceded that Claimant's application was never processed. DHS stated that a help desk ticket was submitted to allow the processing of the application. Though the assigned specialist can do nothing more to assist Claimant, DHS failed in their requirement to timely process Claimant's CDC application within 45 days.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS did not process CDC benefit eligibility for Claimant related to an application dated 2/29/12 because DHS never received the application. The actions taken by DHS are PARTIALLY AFFIRMED.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly failed to timely process Claimant's CDC benefit application dated 3/22/12. It is ordered that DHS process Claimant's application dated 3/22/12 in accordance with DHS standards of promptness. The actions taken by DHS are PARTIALLY REVERSED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 10/30/2012

Date Mailed: 10/30/2012

NOTICE: 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. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

201251119/CG

Request must be submitted through the local DHS office or directly to MAHS by mail at

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:



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