

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201276239
Issue No: 6015
Case No: [REDACTED]
Hearing Date: March 21, 2013
Macomb County DHS #20

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 received by the Department of Human Services (department) on August 24, 2012. After due notice, a telephone hearing was held on March 21, 2013 at which Claimant appeared and provided testimony. The department was represented by [REDACTED], a PATH case manager with the department's Macomb County office.

ISSUE

Whether the department properly denied Claimant's Child Development and Care (CDC) benefit application for lack of verification?

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 June 14, 2012, Claimant applied for CDC benefits.
2. On July 3, 2012, the department mailed Claimant a Verification Checklist (DHS 3503), requesting that Claimant's provider complete a Child Development and Care Provider Verification (DHS-4025) and requesting that Claimant provide a copy of her identification. This information was to be provided to the department by no later than July 13, 2012 for purposes of determining her eligibility for the CDC program.
3. On July 16, 2012, the department received Claimant's completed verifications.

4. On July 30, 2012, 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.
5. On August 22, 2012, Claimant requested a hearing, protesting the denial of her CDC application. (Hearing Request)

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 her claim for assistance has been 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 of that decision. BAM 600.

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 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).

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.

Department policy further provides that clients must take actions within their ability to obtain verifications and Department staff must assist when necessary. BAM 130, BEM 702. 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 department's denial of her CDC application based on her failure to provide the requested verification. However, at the March 21, 2013 hearing, the department representative acknowledged that, prior to the department's July 30, 2012 denial of Claimant's CDC application, the department had in fact received (on July 16, 2012) the required verifications from Claimant and that it was department error to deny Claimant's CDC application.

Accordingly, the Administrative Law Judge finds, based on competent, material and substantial evidence presented at the hearing, the department did not act in accordance with policy when the department 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 did not act in accordance with policy when the department denied Claimant's CDC application for failure to return the necessary verification.

Accordingly, the department's actions are **REVERSED** and the department shall immediately reinstate and reprocess Claimant's June 14, 2012 CDC application and issue supplement checks for any months she did not receive the correct amount of benefits if she was otherwise entitled to them.

IT IS SO ORDERED.

/s/ _____
Suzanne D. Sonneborn
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 25, 2013

Date Mailed: March 25, 2013

NOTICE: Michigan Administrative Hearings 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 this 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 errors, or other obvious errors in the hearing decision that affect the substantial rights of Claimant;
 - The failure of the ALJ to address other relevant issues in the hearing decision.

A request for a rehearing or reconsideration must be submitted through the local DHS office or directly to MAHS by mail at:

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

SDS/cr

cc:

