

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201321732
Issue No.: 6019
Case No.: [REDACTED]
Hearing Date: February 20, 2013
County: Wayne DHS (57)

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 February 20, 2013 from Detroit, Michigan. Participants included the above-named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Manager, and [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly denied Claimant's Child Development and Care (CDC) benefit application due to Claimant's provider's alleged failure to submit documentation.

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 10/11/12, Claimant applied for CDC benefits.
2. On an unspecified date, DHS received an application from Claimant's CDC provider requesting to become a CDC provider.
3. The CDC provider application did not include a copy of the provider's identification or Social Security card.
4. On 11/26/12, DHS received a copy of the provider's identification and Social Security card.

5. On 1/10/13, DHS denied Claimant's CDC application due to an alleged failure by Claimant to submit her CDC provider's identification and Social Security card.
6. On 1/10/13 Claimant requesting a hearing to dispute the CDC application denial.

CONCLUSIONS OF LAW

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 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) and the Reference Tables Manual (RFT).

Clients have the right to choose the type of child care provider they wish to use. BEM 704 (1/2013), p. 1. An unlicensed provider is an adult who is 18 years or older, enrolled by MDE, to provide care for up to four children at a time or up to six children, if all children live at the same address or if all children are siblings, and meets one of the following categories:

- is providing care where the child lives;
 - is providing care in the provider's home, not the home of the child, and is related to the child by blood, marriage or adoption as a:
 - grandparent/great-grandparent
 - aunt/great-aunt.
 - uncle/great-uncle.
 - sibling.
- (Id., p. 2)*

Unlicensed providers must complete the Child Development and Care Unlicensed Provider Application in order to be enrolled. *Id.* In addition to the application, the following verifications must be provided within 10 work days of the application receipt date: proof of age, identity and residence and a copy of a valid Social Security card. *Id.* Provider applicants who do not submit all required verifications will be notified and given an additional 10 work days to provide the missing verifications. *Id.* Failure to provide all required verifications within this time frame will result in denial of the provider's application. *Id.*

In the present case, Claimant applied for CDC benefits on 10/11/12. DHS contended that Claimant's CDC benefit application was properly denied on 11/19/12 after Claimant's CDC provider allegedly failed to timely submit a copy of her identification and social security card. It was not disputed that Claimant's requested CDC provider was an unlicensed provider.

It is questionable if DHS may deny a client's CDC benefit application based on a provider's failure to comply with a verification request. The above policy specifically notes that a failure by the provider to timely verify identity and Social Security number may result in a denial of the provider's application, not the client's CDC application. For purposes of this decision, it will be assumed that DHS policy allows a CDC application denial due to the provider's failure to submit proper documentation.

It was not disputed that Claimant submitted her provider's identification and social security card to DHS on 11/26/12. DHS contended that the submission was tardy for an application denial occurring on 11/19/12. The DHS contention is correct- as long as DHS denied the application on 11/19/12. Claimant testified that she submitted her provider's paperwork on 11/26/12 because she was unaware of an application denial. During the hearing, DHS was given an opportunity to verify the date that the CDC application was denied. DHS verified that the written Notice of Case Action denying Claimant's CDC application was sent to Claimant on 1/10/13.

Upon certification of eligibility results, Bridges (the DHS database) automatically notifies the client in writing of positive and negative actions by generating the appropriate notice of case action. BAM 220 (11/2012), p. 1. Despite DHS argument to the contrary, the application is not officially denied until the written Notice of Case Action is mailed. Based on the presented evidence, it is found that Claimant's CDC benefit application was denied on 1/10/13.

As of 1/10/13, DHS possessed Claimant's provider's verifications. Thus, DHS had no basis to deny Claimant's CDC benefit application for a failure to verify her provider's identity and Social Security number. It is found that the CDC application denial was improper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application for CDC benefits. It is ordered that DHS:

- (1) reinstate Claimant's CDC benefit application dated 10/11/12; and
- (2) process Claimant's application subject to the finding that Claimant timely submitted verification of her CDC provider's identity and Social Security number.

The actions taken by DHS are REVERSED.



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

Date Signed: 2/22/2013

Date Mailed: 2/22/2013

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.

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:

