

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201335800  
Issue No: 6015  
Case No: [REDACTED]  
Hearing Date: April 18, 2013  
County: Eaton County DHS

**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 March 20, 2013. After due notice, a telephone hearing was held on April 18, 2013 at which Claimant appeared and provided testimony. The department was represented by [REDACTED] and [REDACTED], both of whom are eligibility specialists with the department's Eaton 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 February 19, 2013, Claimant applied for CDC benefits.
2. On February 19, 2013, the department mailed Claimant a Verification Checklist (DHS 3503), requesting that Claimant provide verification of her work schedule showing the number of hours worked. Claimant was also asked to have Claimant's provider complete a Child Development and Care Provider Verification (DHS-4025). The DHS-4025 form indicated that "both the parent and provider MUST sign and date the form." This information was to be provided to the department by no later than March 1, 2013 for purposes of determining her eligibility for the CDC program. (Department Exhibit 1)

3. On March 1, 2013, Claimant provided the department with a Child Development and Care Provider Verification (DHS-4025), which had been completed and signed by Claimant's provider but did not include Claimant's signature. (Department Exhibit 2)
4. On March 13, 2013, 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 March 18, 2013, Claimant requested a hearing, protesting the denial of her CDC application. (Hearing Request)

### **CONCLUSIONS OF LAW**

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. Department of Human Services Bridges Administrative Manual (BAM) 600 (2011), p. 1. The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in sections 400.901 to 400.951 of the Michigan Administrative Code (Mich Admin Code). An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. Mich Admin Code R 400.903(1).

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. At the April 18, 2013 hearing, the department's representative and Claimant's case specialist, [REDACTED], testified that upon receiving the DHS-4025 form and determining that it had not been signed by Claimant, [REDACTED] called Claimant on March 5, 2013 and advised her that she needed to submit a DHS-4025 form that had been signed by both her and her provider. [REDACTED] further testified that Claimant never did so.

Claimant testified that she did indeed receive a telephone call from [REDACTED] on March 5, 2013 but that [REDACTED] only instructed her to submit the appropriate verification regarding her work schedule and did not mention anything regarding her need to submit a signed DHS-4025 form.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record and finds that, because the DHS-4025 form clearly instructs in bolded language that "both the parent and provider MUST sign and date the form on page 2," an instruction that Claimant failed to follow, it is irrelevant whether Claimant's case specialist informed Claimant of this instruction on March 5, 2013, after the March 1, 2013 deadline for the submittal of the completed and signed DHS-4025 form. Consequently, the Administrative Law Judge finds, based on competent, material and substantial evidence presented at the hearing, the department acted 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 acted in accordance with policy when the department denied Claimant's CDC application for failure to return the necessary verification. Accordingly, the department's actions in this regard are **UPHELD**.

**IT IS SO ORDERED.**

/s/\_\_\_\_\_

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

Date Signed: April 19, 2013

Date Mailed: April 22, 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.

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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/aca

