

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

IN THE MATTER OF:



Reg. No.: 2013-55600
Issue No.: 6015
Case No.: [REDACTED]
Hearing Date: August 21, 2013
County: Wayne (43)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 August 21, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included [REDACTED] Eligibility Specialist.

ISSUE

Did the Department properly deny Claimant's Child Development and Care (CDC) program application based on her failure to comply with the verification requirements?

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 May 6, 2013, Claimant applied for CDC benefits.
2. On May 7, 2013, the Department sent Claimant a Verification of Employment document, which was due back by May 17, 2013. Exhibit 1.
3. Claimant never received the Verification of Employment document.
4. The Department never received a completed Verification of Employment document by the due date.
5. On June 20, 2013, the Department sent Claimant an Application Notice, which denied Claimant's CDC application based on her failure to comply with the verification requirements. Exhibit 1.
6. On June 28, 2013, Claimant filed a hearing request, protesting the Department's action. Exhibit 1.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

☒ 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.

In this case, on May 6, 2013, Claimant applied for CDC benefits. On June 20, 2013, the Department sent Claimant an Application Notice, which denied Claimant's CDC application based on her failure to comply with the verification requirements. Exhibit 1.

Clients must cooperate with the local office in completing necessary forms for determining initial and ongoing eligibility. BAM 105 (March 2013), p. 5.

For CDC cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verification it requests. BAM 130 (May 2012), p. 5. However, there is an exception for CDC only, if the client cannot provide the verification despite a reasonable effort, the Department extends the time limit at least once. BAM 130, p. 5. Also for CDC cases, if 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, then policy directs that a negative action be issued. BAM 130, p. 5.

Also, the Department tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 2. The Department uses the DHS-3503, Verification Checklist (VCL), to request verification. BAM 130, pp. 2-3.

At the hearing, the Department testified that on May 7, 2013, the Department sent Claimant a Verification of Employment document, which was due back by May 17, 2013. Exhibit 1. The Department testified that it never received a completed Verification of Employment document by the due date.

Claimant testified that she never received the Verification of Employment document. Claimant testified that she obtained a copy of the Verification of Employment when she went to her local DHS office approximately two weeks ago. Based on the correspondence history, Claimant received the Verification of Employment document on August 1, 2013. See Exhibit 1. Claimant testified that she then gave her employer the Verification of Employment to complete. However, Claimant testified that she was not sure if the Department received a completed Verification of Employment from her employer. Nevertheless, this testimony is regarding subsequent actions that happened after Claimant's CDC denial.

During the hearing, though, it was discovered that the Verification of Employment document was mailed locally from the DHS office. See Exhibit 1. A review of the

Verification of Employment document does not indicate Claimant's address on the form. See Exhibit 1. The form only indicates the employer's name. See Exhibit 1. The Department testified that the Verification of Employment letter was sent to Claimant's address.

Based on the foregoing information and evidence, the Department improperly denied Claimant's CDC application. A review of the correspondence history does not indicate that a DHS-3503, Verification Checklist (VCL), was sent to the Claimant with the Verification of Employment document. See Exhibit 1. Moreover, the Department did not provide evidence that a DHS-3503, VCL, was sent to the Claimant. The VCL should have been sent with the Verification of Employment document because the VCL tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 2. A review of the Verification of Employment document indicates that it is intended for the employer. See Exhibit 1. However, Claimant never obtained a VCL to show her why the Verification of Employment had to be completed. Moreover, there is no evidence indicating if the Verification of Employment was actually sent to the Claimant. Nevertheless, the Department will have to reregister the CDC application in accordance with Department policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did not act properly when it denied Claimant's CDC application on June 20, 2013.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED **REVERSED** for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate reregistration of the May 6, 2013 CDC application;
2. Begin reprocessing the application/recalculating the CDC budget from the date of the CDC application, in accordance with Department policy;
3. Begin issuing supplements to Claimant for any CDC benefits she was eligible to receive but did not from the date of the CDC application; and

4. Begin notifying Claimant in writing of its CDC decision in accordance with Department policy.



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 27, 2013

Date Mailed: August 27, 2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

2013-55600/EJF

If submitted by mail, the written request must be addressed as follows:

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

EJF/las

cc:

