

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

IN THE MATTER OF:



Reg. No.: 201413012
Issue No.: 6002
Case No.: [REDACTED]
Hearing Date: December 19, 2013
County: Eaton

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on December 19, 2013 from Lansing, Michigan. Claimant personally appeared and provided testimony. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED] (Eligibility Specialist).

ISSUE

Did the Department properly close Claimant's Child Development and Care (CDC) case due to failure to provide requested verifications?

FINDINGS OF FACT

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

1. Claimant was active for CDC benefits.
2. On September 20, 2013, the Department mailed Claimant a Verification Checklist (DHS-3503) which requested, among other things, that Claimant provide a completed Child Care Provider Verification (DHS-4025) form. The verifications were due by September 30, 2013.
3. On October 31, 2013, the Department mailed Claimant a Notice of Case Action (DHS-1605) which closed Claimant's CDC case effective November 17, 2013, because "verification of eligible provider/care arrangement (BEM 702, 704) was not returned for [REDACTED]."

4. Claimant requested a hearing to protest the closure on November 12, 2013.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130. Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. BAM 130. Verifications are considered timely if received by the date they are due. BAM 130.

For purposes of CDC, BEM 702, p. 1 (7-1-2013) provides that the client is responsible for obtaining any requested verifications needed to determine eligibility. The Department will use the DHS-3503, Verification Checklist, to inform the client of what verifications are needed at application and redetermination. The Department worker may also choose to use the form at case changes. A copy of all verifications must be filed in the case record. See BEM 702, p. 1.

The client is allowed a full 10 calendar days from the date verification is requested (the date of request is not counted) to provide the requested information. If requested, at least one extension must be given if the client cannot provide the verification despite a reasonable effort. For active cases, Bridges will allow timely notice if verifications are not returned. BEM 702, p. 1.

For CDC, the department must allow a client 10 calendar days (or other time limit specified in policy) to provide the requested verification. BAM 130. But if the CDC client cannot provide the verification despite a reasonable effort, the department shall extend the time limit at least once. BAM 130.

Here, the Department worker who attended the hearing argues that Claimant was active for CDC at the time but that her CDC provider had changed her address. As a result, the Department requested that Claimant provide verification of her CDC Provider Assignment, but that Claimant failed to provide the verifications timely which resulted in CDC case closure. The Department worker also testified that the Department waited for

several weeks (until October 31, 2013) before closing the CDC case. Claimant, on the other hand, contends that she is a foster parent who was assisted by a “wraparound worker” during the process. Claimant did not dispute that the CDC verifications were due on September 30, 2013 and that she did not provide them timely. Rather, Claimant stated that the Department worker assigned to her case was less than helpful. Claimant, however, admitted that she did not request assistance with the CDC provider verification checklist until after the verification due date.

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). 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). Moreover, it is for the fact-finder to gauge the demeanor and veracity of the witnesses who appear before him, as best he is able. See, e.g., *Caldwell v Fox*, 394 Mich 401, 407; 231 NW2d 46 (1975); *Zeeland Farm Services, Inc v JBL Enterprises, Inc*, 219 Mich App 190, 195; 555 NW2d 733 (1996).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record. Here, there is no evidence that Claimant (or anyone working on her behalf) requested an extension of time to provide requested verifications. There is also no evidence to show that Claimant made a reasonable effort to obtain the requested verifications, but even if there were such evidence, the Department extended the original September 30, 2013 due date until October 31, 2013, which is when the notice of case action was mailed closing the CDC case. The Department acted properly in this matter as the requested verifications were not timely and properly submitted. The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

IT IS SO ORDERED.

/s/
C. Adam Purnell
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: December 20, 2013

Date Mailed: December 23, 2013

NOTICE OF APPEAL: 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.

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).

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

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

CAP/aca

cc:

