

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-10108
Issue No.: 6015
Case No.: [REDACTED]
Hearing Date: April 18, 2013
County: Wayne (17)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 Thursday, April 18, 2013, from Detroit, Michigan. Participating on behalf of Claimant was Claimant's [REDACTED], and [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Family Independence Specialist, and [REDACTED], Family Independence Specialist.

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly close Claimant's case for Child Development Care (CDC)?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:

1. Claimant was an ongoing recipient of CDC benefits for the care of her daughter.
2. On June 25, 2012, the Department sent Claimant a Verification Checklist (VCL) for which Claimant was required to submit requested Child Care Provider information by July 5, 2012. (Exhibit 1).

3. On July 27, 2012, the Department sent Claimant a Notice of Case Action informing her that her CDC case would be closing effective August 1, 2012 because she had failed to provide requested information. (Exhibit 3).
4. On August 1, 2012, the Department closed Claimant's CDC case effective August 1, 2012 for failure to provide requested information.
5. On October 11, 2012, Claimant filed a hearing request disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services 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 1997 AACS R 400.5001-5015.

Additionally, verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (May 2012), p.1. To request verification of information, the Department sends a Verification Checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, pp. 2-3. CDC clients are given 10 calendar days to provide the verifications requested by the Department. Verifications are considered to be timely if received by the date they are due. BAM 130, p.5. The Department sends a negative action notice stating the intent to close a case when the client indicates a refusal to provide a verification or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 5.

At the hearing, the Department testified that on June 25, 2012, it sent Claimant a VCL requesting that verification of Child Care Provider information be submitted by July 5, 2012. (Exhibits 1 and 2). The Department stated that it did not receive the requested information from Claimant by the due date, and as a result, on July 27, 2012 sent Claimant a Notice of Case Action informing her that effective August 12, 2012, her CDC case would close based on her failure to verify requested information. (Exhibit 3).

Claimant's mother credibly testified that on July 2, 2012, she dropped off the Child Development and Care Provider Verification form that was completed by

the child care provider to the local Department office and signed the log. The child care provider verified this information at the hearing by stating that on July 2, 2012, she completed the verification form and returned it to Claimant that day, so Claimant could timely drop it off to the Department's local office. The child care provider further credibly testified that on four separate occasions, she completed child care verification forms for Claimant to submit to the Department because they had been misplaced by the Department. At the hearing, the Department was unable to refute Claimant's mother's testimony that she appeared at the Department and signed the log because since that time, Claimant's case was transferred and the sign-in logs were not available at the time of the hearing. The Department acknowledged that it is likely that Claimant's verification forms were misplaced.


Under the facts in this case, Claimant made a reasonable effort to provide the information requested by the Department. BAM 130, p 5. Thus, the Department did not act in accordance with Department policy when it closed Claimant's CDC case for failure to provide requested verification.

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 in accordance with Department policy when it closed Claimant's CDC case for failure to verify requested information. Therefore, the Department's CDC decision is REVERSED.

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

1. Reinstate Claimant's CDC case effective August 12, 2012 in accordance with Department policy; and
2. Begin issuing supplements to Claimant's Child Care Provider for any CDC benefits that she was entitled to receive but did not from August 12, 2012, ongoing, if otherwise eligible and qualified.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 8, 2013

Date Mailed: May 8, 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 affect the substantial rights of the claimant:
 - 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

ZB/cl

cc:

