

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

IN THE MATTER OF:



Reg. No.: 2013-8509
Issue No.: 6015
Case No.: [REDACTED]
Hearing Date: April 11, 2013
County: Wayne (82-15)

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 April 11, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly deny Claimant's Child Development and Care (CDC) benefits due to Claimant's failure to comply with the verification requirements?

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 applied for CDC benefits on April 20, 2011.
2. Claimant was required to submit requested verification by May 5, 2011. (Exhibit 2)
3. On May 8, 2011, the Department
 - denied Claimant's application. (Exhibit 3)
 - closed Claimant's cases.
 - reduced Claimant's benefits .
4. On June 4, 2011, the Department sent notice of the
 - denial of Claimant's case. (Exhibit 3)
 - closure of Claimant's cases.
 - reduction of Claimant's benefits.

5. On June 16, 2011, Claimant filed a hearing request, protesting the denial of her CDC case. (Exhibit 1)

CONCLUSIONS OF LAW

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

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1997 AACS R 400.3101-3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1997 AACS R 400.3001-3015

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 1998-2000 AACS R 400.3151-400.3180.

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.

Clients must cooperate with the local Department office in obtaining verification for determining initial and ongoing eligibility. BAM 105 (January 2011), p. 5. For CDC cases, the Department is to allow the client 10 calendar days (or other time limit specified in policy) to provide the verification requested. BAM 130 (January 2011), p. 5. For CDC only, if the client cannot provide the verification despite a reasonable effort, the Department will extend the time limit at least once. BAM 130, p. 5. The client must obtain required verification, but the Department must assist if the client needs and

requests help. BAM 130, p. 3. If neither the client nor the Department can obtain verification despite a reasonable effort, the Department is to use the best available information. BAM 130, p. 3. If no evidence is available, the Department uses its best judgment. BAM 130, p. 3. The Department will send a negative action notice when 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. BAM 130, p. 5.

In the present case, on April 25, 2011, the Department sent Claimant a Verification Checklist (VCL) requiring that she provide a DHS-4025 Child Care Provider Verification and the last 30 days of check stubs or earnings statements by May 5, 2011. (Exhibit 2) The Department testified that Claimant failed to submit the required verifications by the due date. Thus, in a June 4, 2011, Notice of Case Action, the Department notified Claimant the denial of her CDC case due to her failure to comply with the verification requirements.

At the hearing, Claimant testified that she submitted the required documents by the May 5, 2011, due date. The Department credibly testified that it reviewed the case file in the hearing room and found no documents submitted in relation to the April 25, 2011, VCL. The Department did discover in Claimant's case file during the hearing that Claimant submitted multiple check stubs to her caseworker on April 20, 2011. The April 20, 2011, date is before the issuance of the April 25, 2011, VCL. The Department testified that the check stubs ranged from February 2010 through February 2011. Please note, Claimant's caseworker back in April and/or May of 2011 was not present for the hearing and it was discovered that the caseworker did retire during that time period. Nevertheless, the Department credibly testified that it did not receive the required documents that the VCL requested. Claimant failed to submit the required verification by May 5, 2011. BAM 130, p. 3. Thus, the Department did act in accordance with Department policy when it denied Claimant's CDC application due to her failure to comply with the verification requirements

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated above and on the record, the Administrative Law Judge concludes that the Department

properly improperly

closed Claimant's case.

denied Claimant's application.

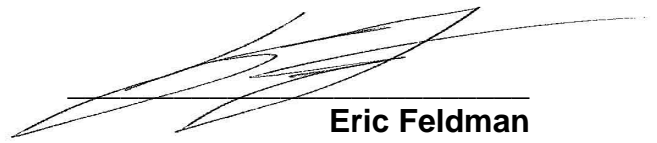
reduced Claimant's benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated above and on the record, finds that the Department

did act properly did not act properly.

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated on the record.



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

Date Signed: April 15, 2013

Date Mailed: April 15, 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

EJF/pf

cc:

