

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-9951
Issue No.: 6002
Case No.: [REDACTED]
Hearing Date: January 21, 2014
County: Wayne (31)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 January 21, 2014, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Manager.

ISSUES

The first issue is whether Claimant may request a hearing to change an assigned DHS specialist.

The second issue is whether DHS properly terminated Claimant's Child and Dependent Care (CDC) benefit eligibility due to a Claimant failure to timely verify a CDC provider.

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 an ongoing CDC benefit recipient for two of her children.
2. On an unspecified date, DHS requested a Child Development and Care Provider Verification (DHS-4025).
3. On an unspecified date, DHS timely received Claimant's DHS-4025.

4. On [REDACTED], DHS initiated termination of Claimant's CDC eligibility, effective [REDACTED], due to an alleged failure to timely submit a DHS-4025.
5. On [REDACTED], Claimant requested a hearing to dispute the termination of CDC benefits and to request a different DHS specialist.

CONCLUSIONS OF LAW

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

Claimant requested a hearing, in part, to obtain a different assigned DHS specialist. Claimant testified that she is dissatisfied with the treatment of her specialist and believes that the specialist has taken multiple improper actions concerning her benefit eligibility.

The Michigan Administrative Hearing System may grant a hearing about any of the following:

- denial of an application and/or supplemental payments;
- reduction in the amount of program benefits or service;
- suspension or termination of program benefits or service
- restrictions under which benefits or services are provided;
- delay of any action beyond standards of promptness; or
- the current level of benefits or denial of expedited service (for Food Assistance Program benefits only).

BAM 600 (7/2013), p. 4.

Claimant may request an administrative hearing to dispute issues that affect her benefit eligibility. A hearing is not the venue to seek changes to an assigned specialist. The authority of assigning specialists rests with DHS.

Claimant also requested a hearing to dispute a termination of CDC eligibility. It was not disputed that the termination was due to an alleged failure by Claimant to timely return a verification of her CDC provider via DHS-4025.

DHS is to use the DHS-3503, Verification Checklist to request verification. BAM 130 (7/2013), p. 3. DHS must give clients at least ten days to submit verifications. *Id.* DHS

must tell the client what verification is required, how to obtain it, and the due date. *Id.* at 2. For CDC benefits, DHS is to 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.

Id., p. 6.

DHS conceded that Claimant timely submitted a DHS-4025. DHS also conceded that Claimant's CDC eligibility should not have stopped prior to the hearing because Claimant timely submitted a hearing request (see BAM 600). It is found that DHS improperly terminated Claimant's CDC eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant may not request a hearing to dispute the selection of her assigned specialist. Claimant's hearing request is **PARTIALLY DISMISSED**.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly terminated Claimant's CDC benefit eligibility. It is ordered that DHS perform the following actions:

- (1) reinstate Claimant's CDC eligibility, effective [REDACTED], subject to the finding that Claimant timely submitted a DHS-4025; and
- (2) supplement Claimant for any benefits improperly not issued.

The actions taken by DHS are **REVERSED**.



Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 2/14/2014

Date Mailed: 2/14/2014

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:

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- 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

CG/hw

cc:

