

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-019071
Issue No.: 3000; 6002
Case No.: [REDACTED]
Hearing Date: February 4, 2015
County: OAKLAND-DISTRICT 3
(SOUTHFIELD)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 February 4, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant, [REDACTED]. Participants on behalf of the Department of Human Services (Department or DHS) included [REDACTED], [REDACTED], Hearings Facilitator.

ISSUES

Did the Department properly deny Claimant's Child Development and Care (CDC) program application dated November 25, 2014?

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 recipient of FAP benefits (benefits ultimately reinstated).
2. On or around November 25, 2014, Claimant applied for CDC benefits.
3. On December 1, 2014, the Department sent Claimant verification requests, including a Child Development and Care Provider Verification (DHS-4025) (CDC provider verification). See Exhibit 1, pp. 9-10. The verifications were due back by December 11, 2014. See Exhibit 1, pp. 9-10.
4. On December 9, 2014, Claimant submitted proof of his paystubs. See Exhibit 1, p. 7.

5. On December 16, 2014, Claimant submitted the CDC provider verification; however, he failed to sign the verification document (provider signed it). See Exhibit 1, p. 10.
6. On December 16, 2014, the Department sent Claimant a Notice of Case Action notifying him that his CDC application was denied effective November 16, 2014, ongoing, due to his failure to submit verification of earned income, missing check stubs, employment need for CDC, and eligible provider/care arrangement was not returned. See Exhibit 1, pp. 14-18.
7. On December 16, 2014, the Notice of Case Action also notified Claimant that his Food Assistance Program (FAP) benefits would close effective January 1, 2015 because he failed to submitted verification of loss of employment, earned income payment, and missing check stubs. See Exhibit 1, pp. 14-18.
8. On December 26, 2014, Claimant filed a hearing request, protesting the CDC denial and FAP case closure. See Exhibit 1, p. 2.
9. On an unspecified date, the Department reinstated Claimant's FAP benefits. See Exhibit 1, pp 1 and 11-12.
10. On January 7, 2015, Claimant submitted proof of his Verification of Employment, which consisted of a letter from his employer and a DHS-38, Verification of Employment. See Exhibit 1, pp. 4-8. However, the Verification of Employment submitted was generated on November 3, 2014 and with a due date of November 13, 2014. See Exhibit 1, pp. 8-6. It appeared the Verification of Employment was related to a previous CDC application.

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 Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

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.

Preliminary matters

First, on December 26, 2014, Claimant filed a hearing request, protesting his FAP case closure. See Exhibit 1, p. 2. Claimant acknowledged that he disputed his FAP case closure based on the Notice of Case Action informing him of the closure on December 16, 2014. See Exhibit 1, p. 14. However, it was discovered that the Department subsequently reinstated Claimant's FAP benefits. Claimant received \$16 beginning January 1, 2015, ongoing. See Exhibit 1, pp. 11-12. During the hearing, though, Claimant now disputed the amount of his FAP allotment and that he only received a portion of his January 2015 benefits.

Based on this information, Claimant's FAP hearing request is DISMISSED. First, Claimant's FAP issue is now moot because of the Department's subsequent action of reinstating benefits. Claimant only disputed his FAP case closure and the Department subsequently reinstated his benefits. Second, Claimant now disputed the amount of his allotment as well as now receiving a portion of his benefits. This Administrative Law Judge (ALJ) lacks the jurisdiction to address Claimant's subsequent dispute. See BAM 600 (October 2014), pp. 4-6. Claimant can file another hearing request to dispute the amount of his FAP allotment and/or not receiving a portion of his benefits. See BAM 600, pp. 4-6.

Second, it was discovered during the hearing that Claimant previously submitted another CDC application on or around November 2014. However, Claimant testified that he only disputed his CDC application dated on or around November 25, 2014. In fact, Claimant disputed the Notice of case Action dated December 16, 2014, which stated his CDC application was denied effective November 16, 2014. See Exhibit 1, p. 14. As such, this ALJ will only address Claimant's CDC application denied effective November 16, 2014.

CDC application

On or around November 25, 2014, Claimant applied for CDC benefits. There were several verifications requested and returned; however, the Department specifically argued that Claimant failed to sign the CDC provider verification. On December 16, 2014, Claimant submitted the CDC provider verification; however, he failed to sign the verification document (provider signed it). See Exhibit 1, p. 10. As such, the Department argued that it properly denied Claimant's CDC application for his failure to comply with the verification requirements.

In response, Claimant argued that he submitted the requested documents on or around late November 2014. However, Claimant's alleged submission date was before the

verifications were even generated on December 1, 2014. It is possible that Claimant had prior verifications requested because he had another CDC application in early November 2014. In fact, the Department provided a Verification of Employment generated on November 3, 2014 and due back by November 13, 2014. See Exhibit 1, p. 5. Thus, it appeared that Claimant submitted documents in late November 2014 because they were in relation to an earlier application. However, Claimant failed to provide any evidence that he submitted the verifications before the due date or in November 2014. In fact, the evidence only indicated that he submitted his paystubs timely on December 9, 2014 (before the VCL due date). See Exhibit 1, p. 7. As to the other documents requested, the evidence indicated they were all submitted after the VCL due date. See Exhibit 1, pp. 4-6 and 9-10. It should be noted that Claimant testified that he contacted his worker multiple times, but to no avail.

Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (October 2014), p. 7. This includes completion of necessary forms. BAM 105, p. 7. For CDC cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verification that is requested. BAM 130, p. 6. 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. 6. The Department sends 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. 6 and see also BEM 702 (August 2014), pp. 1-2

Also, the Department verifies the children in care, the date care began, where care is provided and the provider's relationship to the children with the DHS-4025, Child Development and Care Provider Verification. BEM 702, p. 2. This form must be signed by both the parent and all provider types (centers, homes, unlicensed) and is required at application. BEM 702, p. 2.

Based on the foregoing information and evidence, the Department properly denied Claimant's CDC application effective December 16, 2014, in accordance with Department policy.

First, the evidence presented that Claimant failed to submit all of the verifications requested before the VCL due date (i.e., CDC provider verification). See Exhibit 1, pp. 9-10. Claimant alleged that he submitted the verifications before the due date; however, he failed to provide any copies of the alleged submissions. Even though Claimant indicated he contacted the Department, he must ultimately complete the necessary forms to determine his initial eligibility. BAM 105, p. 7. Because Claimant failed to submit the verifications before the VCL due date, the Department acted in accordance with Department policy when it denied Claimant's CDC application. BAM 105, p. 7 and BAM 130, p. 6.

Second, Claimant also failed to sign the CDC provider verification. Policy specifically says the DHS-4025, Child Development and Care Provider Verification, *must be signed*


by both the parent and all provider types (centers, homes, unlicensed) and is required at application. BEM 702, p. 2 (emphasis added). Claimant clearly failed to sign the CDC provider verification (DHS-4025) as required by the Department. See Exhibit 1, pp. 9-10. As such, the Department properly denied Claimant's CDC application based on his failure to comply with the verification requirements. See Exhibit 1, pp. 14-15 and BEM 702, pp. 1-2.

DECISION AND ORDER

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 when it denied Claimant's CDC application effective November 16, 2014.

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

IT IS ALSO ORDERED that Claimant's FAP hearing request (dated December 26, 2014) is **DISMISSED**.


Eric Feldman
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **2/12/2015**

Date Mailed: **2/12/2015**

EJF / cl

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion.

MAHS **MAY** grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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 48909-8139

CC:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]