

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

IN THE MATTER OF:

████████████████████
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████████████████████

Reg. No.: 14-014057
Issue No.: 6004
Case No.: ██████████
Hearing Date: January 26, 2015
County: WAYNE-DISTRICT 55
(HAMTRAMCK)

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 January 26, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant, ██████████. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ Case Manager.

ISSUE

Did the Department fail to process Claimant's alleged Child Development and Care (CDC) program application dated on or around July 15, 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. On July 15, 2014, Claimant alleged that she applied for CDC benefits.
2. Claimant's Program Request – Summary indicated her last CDC application occurred on April 10, 2011. See Exhibit 1, p. 3.
3. On September 4, 2014, Claimant filed a hearing request, protesting the Department's failure to process her alleged CDC application. See Exhibit 1, p. 2.

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 9858g; 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.

In this case, on June 23, 2014, Claimant applied for Cash benefits (Family Independence Program (FIP)). See Exhibit 1, p. 3. Claimant testified that she was scheduled to attend the Partnership. Accountability. Training. Hope. (PATH) program on July 14, 2014. See Exhibit 1, p. 2. Claimant testified that she completed an application for CDC benefits and turned in a hard copy the next day (July 15, 2014). See Exhibit 1, p. 2. In fact, Claimant testified that when she picked up her application, she also obtained a CDC provider verification to complete. Claimant testified she submitted the CDC provider verification as well with the application. Claimant could not recall if she signed the log book when she submitted the application. It should be noted that Claimant submitted the application at a different DHS address as compared to where the Claimant and Department appeared for the hearing.

Additionally, Claimant testified that she contacted her DHS worker every week to inquire on the status of the application. Claimant testified her worker told her that he had 45 days to process the application. See Exhibit 1, p. 2. Claimant's hearing request further indicated that she spoke to the DHS caseworker on August 28, 2014, in which the DHS worker stated he never received the application and that it may have been lost. See Exhibit 1, p. 2. The Department (Claimant's DHS caseworker) denied that he would ever state the application had been lost.

The Department argued that it never received Claimant's alleged CDC application. The Department provided Claimant's Program Request – Summary, which indicated her last CDC application occurred on April 10, 2011. See Exhibit 1, p. 3. The Department testified that it could not obtain the log book as it was currently located at a different location. The Department testified that signing the log book is mandatory, but that the Claimant could not recall. The Department also presented Claimant's Electronic Case File to see if the alleged application was scanned into its system. A review of Claimant's Electronic Case File did not locate any CDC application or CDC provider enrollment verification. See Exhibit 1, p. 4.

Any person, regardless of age, or his/her authorized representative (AR) may apply for assistance. BAM 110 (July 2014), p. 4. The standard of promptness (SOP) begins the date the department receives an application/filing form, with minimum required information. BAM 115 (July 2014), p. 14. For CDC benefits, the Department certifies program approval or denial of the application within 45 days. BAM 115, p. 15. The Department automatically generates the client notice. See BAM 115, p. 15.

If the group is ineligible or refuses to cooperate in the application process, the Department certifies the denial within the standard of promptness to avoid receiving an overdue task in its system. BAM 115, p. 22. The Department sends a DHS-1605, Client Notice, or the DHS-1150, Application Eligibility Notice, with the denial reason(s). BAM 115, p. 22. If approved, the Department sends the DHS-1605 detailing the approval at certification of program opening. BAM 115, p. 23.

Based on the foregoing information, the evidence fails to establish that Claimant allegedly submitted a CDC application on or around July 15, 2014. Even though the log book was not accessible during the hearing, the Department provided reasonable evidence to show that Claimant failed to submit a CDC application in July 2014. Both Claimant's Electronic Case File and Program Request – Summary documents showed that the Department did not receive a CDC application in July 2014. See Exhibit 1, pp. 3-4. Additionally, Claimant could not recall if she even signed the logbook and she did not provide any copy of her alleged submission of the application or verification. As such, the Department acted in accordance with Department policy when it did not process Claimant's alleged CDC application in July 2014. See BAM 110, p. 4 and BAM 115, pp. 14-23.

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 did not process Claimant's alleged CDC application dated on or around July 15, 2014.

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


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

Date Signed: **1/29/2015**

Date Mailed: **1/29/2015**
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]