

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

IN THE MATTER OF:



Reg. No.: 14-012767
Issue No.: 6001
Case No.: [REDACTED]
Hearing Date: January 15, 2015
County: MACOMB-DISTRICT 36

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 15, 2015, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Human Services (Department) included Hearing Facilitator [REDACTED]

ISSUE

Did the Department properly deny Claimant's July 30, 2014, Child Development and Care Program application?

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 30, 2014, Claimant submitted a Child Development and Care Program application.
2. On August 1, 2014, Claimant was sent a Verification Checklist (DHS-3503). The verifications were due on August 11, 2014.
3. On August 19, 2014, Claimant participated in a CDC telephone interview.
4. On August 25, 2014, the Department did not have a completed Child Development and Care Provider Verification (DHS-4025). Claimant was sent a Notice of Case Action (DHS-1605) which stated her Child Development and Care Program application was denied.
5. On August 26, 2014, a completed Child Development and Care Provider Verification (DHS-4025) was submitted to the Department.

6. On September 11, 2014, Claimant submitted a hearing request.

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 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.

In this case, an incomplete Child Development and Care Provider Verification (DHS-4025) had been submitted prior to denial of the application. The August 1, 2014, Verification Checklist (DHS-3503) listed the need for a Child Development and Care Provider Verification (DHS-4025) and stated all verifications were due by August 11, 2014. Claimant does not dispute that a complete Child Development and Care Provider Verification (DHS-4025) was not submitted until after the application was denied. Claimant asserted that she applied well in advance in order to make sure everything was in place.

The completed Child Development and Care Provider Verification (DHS-4025) (pages 45-47) was sent in by the provider. The fax cover sheet states "Refaxing, mom forgot to put children's names and DOB".

Bridges Administration Manual (BAM) 130 Verification and Collateral Contacts, in effect at the time of the Department's action, at page 6 states:

Timeliness of Verifications

FIP, SDA, Child Development and Care (CDC), FAP

Allow the client 10 calendar days (or other time limit specified in policy) to provide the verification that is requested.

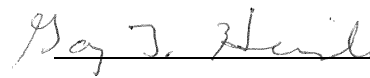
Exception: For CDC only, if the client cannot provide the verification despite a reasonable effort, extend the time limit at least once.

The August 1, 2014, Verification Checklist (DHS-3503) stated the verifications were due by August 11, 2014. It is noted that the application was not denied until August 25, 2014, 14 days after the original due date.

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 July 30, 2014, Child Development and Care Program application.

DECISION AND ORDER

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



Gary Heisler
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **2/10/2015**

Date Mailed: **2/10/2015**

GFH/hj

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:

