

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-001078
Issue No.: FAP
Case No.: [REDACTED]
Hearing Date: February 19, 2015
County: WASHTENAW (DISTRICT 20)

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 19, 2015, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED], the Claimant, and [REDACTED] husband. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Hearing Facilitator, and [REDACTED], Eligibility Specialist.

ISSUES

Did the Department properly deny Claimant's Child Development and Care (CDC) application?

Did the Department properly propose a closure of Claimant's Food Assistance Program (FAP) benefit case?

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 applied for CDC on January 7, 2015.
2. On January 12, 2015, a Notice of Case Action was issued to Claimant stating the CDC application was denied based on not having a need for child day care services.
3. On January 21, 2015, Claimant filed a request for hearing contesting the Department's action.
4. On January 27, 2015, a Verification Checklist was issued to Claimant requesting proof regarding CDC being needed due to employment, such as the recent 30 days of pay stubs, by a February 6, 2015 due date. It was also noted on the

Verification Checklist that a system error previously denied CDC, which has been reinstated and is pending for verifications.

5. The error with the CDC application appears to have caused a proposed closure of Claimant's FAP benefit case.
6. There was no evidence submitted documenting that a written notice of case action was issued regarding the proposed closure of Claimant's FAP benefit case.

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.

Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. Verifications are considered timely if received by the date they are due. The Department must allow a client 10 calendar days (or other time limit specified in policy) to provide the requested verification. The Department worker must tell the client what verification is required, how to obtain it, and the due date. BAM 130 (10-1-2014) pp. 1-6.

In this case, it was uncontested that the Departmental erred when the January 12, 2015, Notice of Case Action was issued to Claimant stating the CDC application was denied based on not having a need for child day care services. The Department had not yet requested verification of the need for child day care services when this denial notice was issued.

On January 27, 2015, a Verification Checklist was issued to Claimant requesting proof regarding CDC being needed due to employment, such as the recent 30 days of pay stubs, by a February 6, 2015 due date. It was also noted on the Verification Checklist that a system error previously denied CDC, which has been reinstated and is pending for verifications.

The Eligibility Specialist further testified that the CDC error appears to have caused a proposed closure of Claimant's FAP benefit case. There was no evidence submitted documenting that a written notice of case action was issued regarding the proposed closure of Claimant's FAP benefit case. Lastly, the Eligibility Specialist testified that the Department received the verifications.

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 did not act in accordance with Department policy when the January 12, 2015, Notice of Case Action was issued to Claimant stating the CDC application was denied based on not having a need for child day care services and when the Department proposed closure of the FAP benefit case.

DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Re-determine Claimant's eligibility for CDC for the January 7, 2015, application in accordance with Department policy.
2. Re-determine eligibility for FAP retroactive to the effective date of the proposed closure, or earlier if appropriate based on when any changes were reported and/or verified, in accordance with Department policy.
3. Issue written notice of the determination in accordance with Department policy.
4. Supplement for lost benefits (if any) that Claimant was entitled to receive, if otherwise eligible and qualified in accordance with Department policy.



Colleen Lack
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **2/26/2015**

Date Mailed: **2/26/2015**

CL/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:

