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

IN THE MATTER OF:

[redacted]

Reg. No.: 15-014628
Issue No.: 3000 6002
Case No.: [redacted]
Hearing Date: September 30, 2015
County: Wayne (15)

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 September 30, 2015, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of the Michigan Department of Health and Human Services (MDHHS) included [redacted] [redacted] specialist.

ISSUE

The issue is whether MDHHS properly denied Claimant's Child Development and Care (CDC) application due to Claimant's failure to return verifications.

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 April 14, 2015, Claimant submitted a CDC application to MDHHS.

2. Claimant's CDC application reported a new address to MDHHS.

3. MDHHS mailed to Claimant's previous address a Verification Checklist (VCL) requesting various items.

4. Claimant did not return the requested items to MDHHS.

5. On May 22, 2015, MDHHS denied Claimant's CDC application due to a Claimant failure to return requested verifications.

6. On August 6, 2015, Claimant requested a hearing to dispute the denial of CDC benefits and the amount of her Food Assistance Program (FAP) eligibility.

7. Claimant has no current dispute concerning FAP eligibility.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. MDHHS (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Claimant requested a hearing, in part, to dispute the amount of her FAP eligibility. Claimant testified that MDHHS has since corrected her eligibility. Claimant further testified that she is satisfied with the correction and no longer has a dispute concerning FAP benefits. Claimant's hearing request will be dismissed concerning FAP benefits.

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. MDHHS 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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Claimant requested a hearing, in part, to dispute a denial of CDC benefits. It was not disputed that MDHHS denied Claimant's application dated April 14, 2015, due to a failure by Claimant to return requested verifications. It was not disputed that MDHHS sent a VCL requesting various forms and that Claimant did not return any of the requested forms.

[MDHHS is to] use the DHS-3503, Verification Checklist, to inform the client of what verifications are needed at application and redetermination. BEM 702 (August 2014), p. 1. The client is allowed a full 10 calendar days from the date verification is requested (the date of request is not counted) to provide the requested information. *Id.*

As noted above, the VCL is "to inform the client" of the verifications that are needed. A client is not informed if MDHHS mails the VCL anywhere but the client's current address. It was not disputed that MDHHS mailed the VCL to Claimant's former address.

MDHHS testimony conceded the error and indicated that Claimant's application should be reinstated, though it had not been done so as of the hearing date. It is found that MDHHS improperly denied Claimant's CDC application by failing to properly inform Claimant of the verifications to be returned.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that Claimant has no ongoing dispute concerning FAP eligibility. Claimant's hearing request is **PARTIALLY DISMISSED**.

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly denied Claimant's CDC application. It is ordered that MDHHS perform the following actions:

(1) re-register Claimant's application dated April 14, 2015; and
(2) initiate processing of Claimant's application subject to the finding that MDHHS failed to provide Claimant with proper notice of verifications to be returned.

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

Christian Gardocki
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **10/01/2015**

Date Mailed: **10/01/2015**

CG/tm

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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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]