

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

IN THE MATTER OF:

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Reg. No.: 15-006412
Issue No.: 6002
Case No.: ██████████
Hearing Date: June 01, 2015
County: MACOMB-36

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on June 1, 2015, from Detroit, Michigan. Participants on behalf of Claimant included ██████████. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Hearings Facilitator.

ISSUE

Did the Department properly deny Claimant's November 14, 2014 Child Development and Care (CDC) 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. Claimant applied for CDC benefits on November 14, 2014.
2. On November 24, 2014, Claimant was sent a verification request, which requested verification of CDC Need, regarding employment.
3. This request also asked for "additional information about CDC Needed for Family Preservation," but provided no information as to what documents or information was required to meet this request.
4. On December 29, 2014, Claimant's CDC application was denied for failing to provide verifications regarding family preservation needs.
5. Claimant did not receive a notice of case action denying the application.

6. Claimant continued to work with the Department to process the November 14, 2014 application.
7. On February 5, 2015, Claimant was given a CDC Family Preservation Need verification form by her caseworker, even though the application in question had been ostensibly denied.
8. Claimant returned this verification in 10 days.
9. The Department refused to further process the case.
10. On April 20, 2015, Claimant requested an administrative hearing.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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.

First, Claimant credibly testified that she failed to receive the notice of case action in this matter; given the other discrepancies in this case, including documents issued and verifications requested after application denial, the undersigned finds this testimony credible.

As such, timeliness standards did not toll, and Claimant's hearing request was legitimate.

The Department may request verification when required by policy. BAM 130, pg 1. (2014).

Verification of CDC need is required, per policy found in BEM 702 and 703.

However, the verification request by the Department did not request the verification of need for which the Claimant's application was ultimately denied (family preservation). While the verification checklist in general asked for additional information regarding family preservation need, this was not framed as mandatory as were the other

requested verifications, and no information was provided as to what documents would satisfy the Department's request. Given that the other verification requests were outlined specifically, the undersigned believes that the failure to return the specific family preservation need documents in this matter was understandable.

Furthermore, given that the Department continued to issue document requests more than a month after the application was denied, the undersigned believes that the Department was not confident in the original verification request either.

Therefore, as the verification request for family need preservation was vague and non-specific, this verification request was not proper.

As the application was denied for failing to return verifications in response to an improper verification request, the undersigned must hold that the application denial itself was improper, and the application in question must be reprocessed.

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 it denied Claimant's November 14, 2014 CDC application.

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. Reprocess Claimant's November 14, 2014 CDC application.



Robert J. Chavez
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **6/4/2015**

Date Mailed: **6/4/2015**

RJC/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]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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