

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

IN THE MATTER OF:



MAHS Reg. No.: 15-021323
Issue No.: 6002
Agency Case No.: [REDACTED]
Hearing Date: January 27, 2016
County: WAYNE-DISTRICT 17

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

HEARING DECISION

Following Petitioner'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 January 27, 2016, from Detroit, Michigan. Petitioner appeared pro se. The Department was represented by [REDACTED], Hearings Facilitator

ISSUE

Did the Department properly deny Petitioner's September 24, 2015 application for Child Development and Care (CDC) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner applied for CDC benefits on September 24, 2015.
2. On September 29, 2015, Petitioner was sent a verification request, which requested verification of a CDC provider and employment verification.
3. Petitioner failed to provide information regarding their CDC provider, and failed to provide employment verification.
4. On November 4, 2015, a notice of case action was sent, noting that Petitioner's CDC application was denied for failing to provide verifications.
5. On November 9, 2015, Petitioner provided some of the requested verifications.
6. On November 6, 2015, Petitioner 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.

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

Verification of CDC need is required, including CDC provider, per policy found in BEM 702 and 703. Failure to provide required verifications can result in application denial.

Petitioner admits to receiving the verification checklist, and furthermore admitted to not responding to the checklist until November 9, 2016. Petitioner relied on the fact that they were told at application, September 24, 2015, that no further documentation was necessary. However, this assurance, if given, was superseded by the fact that a verification checklist was sent 5 days later. Petitioner did not respond to the verification, nor request an extension, until well after application denial.

Additionally, while Petitioner testified sending an email requesting clarification, no evidence of such an email was submitted. Regardless, even if the email was sent, the fact that Petitioner performed no follow-up regarding this email, or the checklist until well after the application had been denied places Petitioner at fault.

In short, the Department notified Petitioner in writing that further information was necessary; Petitioner failed to respond to the request for information. Per policy, the Department therefore properly denied Petitioner's application.

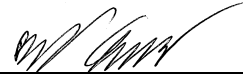
While Direct Support Services were originally in dispute, Petitioner stated at hearing that they had no grievance with this program, and thus the request for hearing regarding this program is dismissed.

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 act

in accordance with Department policy when it denied Petitioner's September 24, 2015 CDC application.

DECISION AND ORDER

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



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

Date Signed: **2/22/2016**

Date Mailed: **2/22/2016**

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:

