



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: July 15, 2016
MAHS Docket No.: 16-007225
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Darryl Johnson

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 July 12, 2016, from Lansing, Michigan. The Petitioner appeared on her own behalf, along with her sister and childcare provider, [REDACTED]. The Department of Health and Human Services (Department) was represented by Eligibility Specialist [REDACTED] and Family Independence Manager [REDACTED].

ISSUE

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

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 on February 16, 2016.
2. On March 2, 2016, the Department mailed to her a Verification Checklist (VCL) (Exhibit 1 Pages 8-9) with a due date of March 14, 2016.
3. Also on March 2, 2016, the Department mailed a CDC Provider Verification (Exhibit 1 Pages 12-13) that was also due March 14, 2016.

4. Petitioner submitted the CDC Provider Verification on March 10, 2016 but at the time her provider was not a registered provider with the Department.
5. Petitioner was given an extension until March 28, 2016 to submit a completed CDC Provider Verification, and she submitted another form on March 29, 2016 (Pages 14-15) that was not signed by her provider.
6. Petitioner was given a third extension, until April 4, 2016, to submit a completed Verification and, according to Petitioner, she submitted a completed Verification to some education department that had taught her sister's childcare class.
7. Because the Department did not receive a properly completed Verification by the third extension, her application for CDC was denied.
8. On May 25, 2016, the Department received Petitioner's hearing request, protesting the denial of her CDC application.

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.

In this case, Petitioner applied for CDC and, as part of the application process, was required to submit verification of her need for CDC as well as verification that her childcare provider was approved by the Department.

"Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms; see Refusal to Cooperate Penalties in this item. Clients must completely and truthfully answer all questions on forms and in interviews." BAM 105.

Per BAM 130, at page 6, says:

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email or Mi Bridges

document upload), the date of the transmission is the receipt date. Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a DHS representative are considered to be received the next business day.

Send a negative action notice when:

The client indicates refusal to provide a verification, **or**

The time period given has elapsed and the client has **not** made a reasonable effort to provide it.

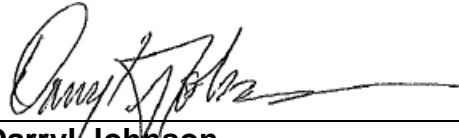
The issue is whether the Petitioner provided timely verification in response to the request. The evidence is persuasive that the forms were mailed to the Petitioner at her address of record. The evidence also establishes that the Petitioner did not fully respond or make a reasonable effort to respond by the deadline. The evidence shows that the forms she submitted to the Department were not complete. She was given three extensions. She and her sister both testified that the last form was submitted to some education department where the sister had taken her childcare licensing class because someone at the class told her to turn it in there. She did not provide a copy of any such form as an Exhibit. She testified that she had turned in forms to the Department, and that she had talked to her case worker before turning in the last form. The form itself says, "Return the form to your MDHHS specialist by the Due Date. If the form is not received by the Due Date, you or your provider will not receive CDC payments for child care expenses." It does not get much clearer than that. The evidence establishes that Petitioner did not provide the required verification by the due date, and did not make a reasonable effort to provide it. Instead of following the explicit instructions given to her by the Department, she apparently elected to turn in the form (either herself or through her sister) to some other department. That is not what she needed to do.

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 Petitioner's CDC application.

DECISION AND ORDER

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

DJ/mc



Darryl Johnson
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

DHHS

[REDACTED]

Petitioner

[REDACTED]