



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: September 21, 2016
MAHS Docket No.: 16-010213
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 August 25, 2016, from Detroit, Michigan. The Petitioner appeared for the hearing with her mother, [REDACTED] and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist and [REDACTED], Family Independence Manager.

ISSUE

Did the Department properly deny Petitioner's application for Child Development and Care (CDC) benefits on the basis that she failed to provide requested verification of eligible provider/care arrangement?

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 or around May 13, 2016, Petitioner submitted an application for CDC benefits.
2. On June 9, 2016, the Department sent Petitioner a Verification Checklist (VCL) instructing her to submit proof of her CDC provider assignment or completed DHS-4025 Child Care Provider Verification form by June 20, 2016. (Exhibit A)

3. The Department did not receive the requested verification of CDC provider assignment by the June 20, 2016, due date.
4. On June 27, 2016, the Department sent Petitioner a Notice of Case Action advising her that the CDC application was denied on the basis that she failed to provide verification of eligible provider/care arrangement. (Exhibit B)
5. On an unverified date, Petitioner reapplied for CDC benefits.
6. On or around July 15, 2016, Petitioner provided the Department with a completed CDC Provider Verification form in connection with the second CDC application submitted. (Exhibit C)
7. On July 15, 2016, Petitioner requested a hearing disputing the Department's actions.

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 requested a hearing disputing the Department's actions with respect to her CDC benefits. Petitioner clarified that specifically at issue was the denial of the May 13, 2016, CDC application submitted.

Additionally, verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (January 2016), p.1. To request verification of information, the Department sends a verification checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. Although the client must obtain the required verification, the Department must assist if a client needs and requests help. If neither the client nor the Department can obtain the verification despite a reasonable effort, the Department is to use the best available information; and if no evidence is available, the Department is to use its best judgment. BAM 130, p. 3.

With respect to CDC cases, clients are given 10 calendar days to provide the verifications requested by the Department. Verifications are considered to be timely if received by the date they are due. BAM 130, pp.6-7. For CDC cases, if the client cannot provide the verification despite a reasonable effort, the Department can extend the time limit at least once. BAM 130, p. 6. The Department will send a negative action notice when the client indicates a refusal to provide a verification or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, pp.6- 7.

At the hearing, the Department testified that with her CDC application, Petitioner submitted an incomplete DHS-4025 Child Care Provider Verification form that contained an incorrect provider ID number. The Department stated that it sent Petitioner a VCL requesting that she provide a completed DHS-4025 Child Care Provider Verification form by June 20, 2016. (Exhibit A). The Department testified that it provided Petitioner with additional time to provide the verification and in essence, granted an extension, however, because it did not receive a completed DHS-4025 Child Care Provider Verification form before the end of the standard of promptness available to process the application, it issued a Notice of Case Action on June 27, 2016, advising Petitioner of the denial of the application on the basis that verification of an eligible provider/care arrangement was not received. (Exhibit B).

Petitioner testified that she provided the Department with what she thought was the correct provider ID number at the time of her application. Petitioner stated that she was in contact with a representative from [REDACTED], the agency responsible for assigning provider ID numbers for unregistered CDC providers and that due to a system issue, there was a delay in obtaining the provider ID number. Petitioner testified that her CDC provider was assigned a provider ID number on or around June 22, 2016, or June 23, 2016, and that she contacted the Department but was informed that it was too late and her application already denied.

At the hearing, the Department disputed Petitioner's testimony that she obtained a provider ID number on June 22, 2016, or June 23, 2016. The Department presented for review email communications from the Great Start representative which establish that Petitioner's CDC provider enrollment was not completed until June 28, 2016, based on the date that she returned verifications requested. (Exhibit D). It was undisputed at the hearing that the Department received a completed DHS-4025 Child Care Provider Verification form from Petitioner on July 15, 2016, however, it was provided in connection with a subsequent CDC application and after the May 13, 2016, CDC application had been denied.

DECISION AND ORDER

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 because Petitioner did not provide a completed DHS-4025 Child Care Provider Verification form by the due

date required, the Department acted in accordance with Department policy when it denied Petitioner's May 13, 2016, CDC application.

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



ZB/tlf

Zainab A. Baydoun

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]
[REDACTED]
[REDACTED]
[REDACTED]

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Via Email:

[REDACTED]
[REDACTED]
[REDACTED]