



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: April 20, 2017
MAHS Docket No.: 17-001906
Agency No.: [REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 March 20, 2017, from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED] a [REDACTED] Family Independence Manager and [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly deny Petitioner's 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. On [REDACTED], Petitioner applied for CDC benefits.
2. On [REDACTED], the Department sent a Verification Checklist (VCL) requesting specific information including self-employment information for July, August, and September 2016.
3. Petitioner submitted all required information to the Department except self-employment information for August and September 2016.

4. On [REDACTED] 6, during a telephone conversation, the Department Informed Petitioner that his CDC application had not been processed because the July and August 2016 self-employment information had not been received.
5. The Department gave Petitioner until 3:00 p.m. on [REDACTED] to submit the remaining self-employment information.
6. The Department did not receive the information by 5:00 p.m. and on [REDACTED] [REDACTED] it sent Petitioner a Notice of Case Action which informed Petitioner that his application for CDC benefits had been denied.
7. On [REDACTED] Petitioner filed a Request for 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 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.

Additionally, verifications are usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (July 2016), p. 1. In this case, Petitioner applied for CDC benefits on [REDACTED]. The Department sent Petitioner a VCL which required him to submit requested documents on or before [REDACTED]. The Department testified that Petitioner submitted all requested documents except his self-employment information for July and August 2016. Petitioner acknowledged that he failed to submit the July 2016 and August 2016 documents due to his failure to completely read the VCL. Petitioner testified that he contacted the Department on [REDACTED] regarding a different program and at that time learned of the need to submit the July 2016 and August 2016 self-employment information.

The Department testified that Petitioner agreed to submit the documents by 3:00 p.m. on [REDACTED]. Petitioner disagreed and testified that no deadline was given for the submission. Petitioner further testified, and the Department confirmed, that he submitted the July 2016 and August 2016 self-employment documentation on [REDACTED]. Under Department policy, clients must cooperate with the local

office in determining initial and ongoing eligibility. This includes completion of necessary forms. BAM 105 (April 1, 2016), p. 9. Further, the Department is required to send 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. BAM 130 (July 2016), p. 7.

A review of the VCL reveals that the Department requested a substantial amount of information from Petitioner. Petitioner submitted all the requested documents except the July 2016 and August 2016 self-employment information. The omission was not intentional, but instead due to an oversight. Further, Petitioner submitted the requested information within 24 hours of learning that the documents were needed. Petitioner's testimony that he was unaware of any deadline on [REDACTED] is accepted as true. It is therefore found that Petitioner made a reasonable effort to provide the requested information and thus, the Department improperly denied Petitioner's application for CDC benefits.

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 the Department did not act in accordance with Department policy when it denied Petitioner's [REDACTED], application for CDC benefits.

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. Reregister and reprocess Petitioner's [REDACTED], application for CDC benefits;
2. Issue supplements Petitioner was eligible to receive but did not as a result of the [REDACTED], CDC application; and
3. Notify Petitioner of its decision in writing.

JM/hw



Jacquelyn A. McClinton
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]

Petitioner

[REDACTED]