



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: February 7, 2018
MAHS Docket No.: 17-015723
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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; 42 CFR 438.400 to 438.424; 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 February 7, 2018, from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payments Worker and Hearing Facilitator.

ISSUE

Did the Department properly deny Petitioner's Child Development and Care Services (CDC) application based upon a failure to return verifications?

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 October 3, 2017, Petitioner submitted a CDC application including information about her self-employment and her husband's employment.
2. On October 4, 2017, the Department issued a Verification Checklist (VCL) requesting proofs of foster care placement, address, identify, and "CDC Needed for Employment" by October 16, 2017.
3. On October 16, 2017, Petitioner provided her case worker with a copy of her Driver's License, a utility bill, and the Self-Employment Income and Expense Statement form.

4. On October 20, 2017, the Department issued a second copy of the October 4, 2017 VCL with the only change appearing in the comments section indicating that Petitioner should resubmit identification as the item provided was not clear and to provide proof of guardianship of the child for whom she was requesting care; the due date was again listed as October 16, 2017.
5. On October 30, 2017, Petitioner provided her case worker with a copy of her U.S. Passport, medical documentation, and income verification.
6. On November 1, 2017, the Department issued a Notice of Case Action denying Petitioner's CDC application indicating that the identification provided was not clear and the proof of need hours had not been provided for her husband.
7. On November 27, 2017, Petitioner submitted a hearing request disputing the Department's denial of CDC benefits.

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, the Department denied Petitioner's CDC application for failure to return required proofs because the identification was unclear and need hours were not provided for Petitioner's husband.

At the hearing, the Department's witness testified that the identification proofs provided by Petitioner's were legible and he was uncertain as to why the case worker felt that the identification proofs were not. Since the Department concedes the legibility of the identification proofs, no further discussion of this issue is necessary.

The client is responsible for obtaining any requested verifications needed to determine eligibility. BEM 702 (July 2017), p. 1. A VCL is used to inform clients of what verifications are need at application and redetermination. *Id.* The VCL or the Department should inform the client of what verification is required, how to obtain it, and the due date. BAM 130 (April 2017), p. 1. The client is allowed a full 10 calendar days

from the date verification is requested to provide requested information. BEM 702, p. 1; BAM 130, p. 7. For CDC, if the client cannot provide the verification despite a reasonable effort, the time limit should be extended at least once. BAM 130, p. 7 (emphasis added). Negative action notices are issued 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. *Id.*

The Department issued two VCLs to Petitioner. Neither VCL mentions anything about the necessity of Petitioner's husband's employment income or need information. In fact, his name does not appear anywhere on the form. The only indication that additional information might be needed is seen in the middle of page 2 indicating "**Please provide additional information about:** CDC Needed for Employment." This statement is unclear and did not adequately inform Petitioner about what was necessary to complete the processing of her CDC application. The Department conceded at the hearing that the statement is unclear. The second VCL repeats the same statement on page 2. The only change made between the first and second VCL was a comment by the case worker stating "Please resubmit identification as item provided was not clear. Also provide proof of guardianship of child requesting care" but does not mention the necessity of providing information about Petitioner's husband's employment income or hours. Case notes do not indicate whether or not there was a detailed discussion with Petitioner about what was required for her husband. Since the VCL was unclear and the worker did not clearly explain the expectations for verifications, the Petitioner was unable to provide the necessary proofs on a timely basis.

It should also be noted that Petitioner was actively providing documents to the Department during this process and making a reasonable effort as shown by her delivery of documents on October 16, 2017 and October 30, 2017. Therefore, no negative action notice should have been issued. BAM 130, p. 7.

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 application for CDC benefits for failure to provide necessary verifications.

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 Petitioner's CDC application for benefits from October 2017 and associated verifications;

2. If Petitioner is eligible for CDC benefits, issue supplements from October 2017 ongoing in accordance with Department policy;
3. Notify Petitioner in writing of its decision.



AM/

Amanda M. T. Marler
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

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