



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: September 7, 2018
MAHS Docket No.: 18-008059
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

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; 45 CFR 99.1 to 99.33; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on September 7, 2018, from Lansing, Michigan. Petitioner, [REDACTED] [REDACTED] appeared with her partner, [REDACTED] [REDACTED]. Petitioner did not have any additional witnesses. Family Independence Manager, Brandy Guinn, appeared for the Department. The Department did not have any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 14-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

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

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], 2018, Petitioner applied for CDC assistance from the Department.
2. On June 13, 2018, the Department conducted a phone interview with Petitioner. The Department advised Petitioner that she would be required to provide verification to the Department and that she would receive a form in the mail which would list the required verification. The Department mailed a Verification Checklist (DHS-3503) to Petitioner that same day.

3. Petitioner did not receive the Department's Verification Checklist. Petitioner did not contact the Department to follow-up on the status of the checklist.
4. On June 28, 2018, the Department issued a Notice of Case Action to Petitioner which notified Petitioner that her application for CDC assistance had been denied for failing to provide requested verification.
5. On July 30, 2018, Petitioner requested a hearing to dispute the Department's decision to deny her application for CDC assistance.

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.

Verification is required at application prior to beginning CDC assistance, unless the client is eligible for expedited CDC assistance. BEM 702 (October 1, 2018), p. 1-2. The Department sends a Verification Checklist (DHS-3503) to obtain requested verification. BEM 702, p. 1. The Department must tell the client what verification is required, how to obtain it, and the due date. BAM 130 (April 1, 2017), p. 3. The Department must allow the client 10 calendar days to provide the verification that is requested. BEM 702, p. 1. The Department must send a case action notice if the client refuses to provide the requested verification or the client fails to make a reasonable effort to provide it before the due date lapses. BAM 130, p. 8-9.

In this case, Petitioner denied that she ever received the Department's Verification Checklist (DHS-3503) and the Department did not prove that Petitioner did receive it. Thus, there is insufficient evidence to establish that Petitioner was ever advised of the verification required, how to obtain it, and the due date. Since Petitioner was not advised of the verification required, how to obtain it, and the due date, Petitioner could not reasonably have been expected to comply. The Department's decision must be reversed because the Department did not advise Petitioner as required by BAM 130.

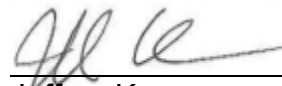
DECISION AND ORDER

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 its policies and the applicable law when it issued its June 28, 2018, Notice of Case Action which denied Petitioner's request for CDC assistance.

IT IS ORDERED the Department's decision is **REVERSED**.

IT IS FURTHER ORDERED the Department shall initiate a review of Petitioner's request for CDC assistance.

JK/nr



Jeffrey Kemm
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) 763-0155; 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

Lori Duda
30755 Montpelier Drive
Madison Heights, MI
48071

Oakland 2 County DHHS- via electronic
mail

BSC4- via electronic mail

L. Brewer-Walraven- via electronic mail

Petitioner

[REDACTED]
[REDACTED]
[REDACTED] MI
[REDACTED]