



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]
Date Mailed: August 1, 2019
MOAHR Docket No.: 19-006247
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 July 31, 2019, from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by [REDACTED] Eligibility Specialist.

ISSUE

Did the Department properly close Petitioner's 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. Petitioner disputes her application date for CDC benefits, but was unable to provide a specific date upon which she originally submitted her application.
2. The Department received an application for CDC benefits from Petitioner on March 7, 2019.
3. On March 13, 2019, the Department issued a Verification Checklist (VCL) to Petitioner requesting verification of CDC services for employment using either a work schedule, a paystub, a statement from the employer, or a DHS-38 Employment Verification form with a due date of March 25, 2019.

4. On April 15, 2019, the Department issued a Notice of Case Action to Petitioner informing her that her CDC case had been closed because her presumptive eligibility period had ended, and she had not provided the necessary requested verifications.
5. On April 22, 2019, the Department received Petitioner's verifications of CDC need including check stubs, a written statement, and a childcare provider verification.
6. On June 13, 2019, the Department received Petitioner's request for hearing disputing the closure of her CDC case.

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 disputes the closure of her CDC case. The Department closed Petitioner's CDC case because she failed to submit the requested verification for CDC need by the due date. Policy provides that the client is responsible for obtaining any requested verifications needed to determine eligibility so long as the Department provides the client with a VCL informing them of the needed verifications. BEM 702 (October 2018), p. 1. Policy also provides that the client is allowed a full ten calendar days from the date that a verification is requested to provide the requested information. *Id.* If requested, the Department may provide the client with at least one extension if the client exhibits a reasonable effort to obtain the proofs. *Id.* One of the items that must be verified for continuing CDC services is the need for services and need hours. BEM 702, p. 2. Negative action notices are sent when a client indicates a refusal to provide the verification or when the time period given has elapse and the client has not made a reasonable effort to provide it. BAM 130 (April 2017), p. 7.

In this case, Petitioner testified that she received the VCL and was aware of the requirement. She further testified that she mailed the requested forms to the Department, but is uncertain when they were mailed. The Department records show that they were received by the Department on April 22, 2019, four weeks after the due

date. Since it is the responsibility of the client to provide the requested verifications to the Department by the due date, the Department did not receive the verifications until four weeks after the verifications were due, and Petitioner is uncertain when she actually mailed the verifications, the Department properly closed Petitioner's CDC case for failure to complete the verification process.

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 closed Petitioner's CDC case.

DECISION AND ORDER

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

AM/tm



Amanda M. T. Marler

Administrative Law Judge

for Robert Gordon, 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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

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

Petitioner

[REDACTED]
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CC:

[REDACTED]
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