



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: March 14, 2018
MAHS Docket No.: 18-000562
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 March 12, 2018, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Anthony Couls, Hearing Facilitator.

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. Petitioner was an ongoing recipient of CDC benefits.
2. On September 18, 2018, the Department sent Petitioner a Notice of Case Action informing Petitioner that her CDC benefit case was closing effective October 1, 2017, ongoing.
3. On [REDACTED], 2017, Petitioner submitted a new application for CDC benefits (Exhibit A).
4. On November 27, 2017, the Department sent Petitioner a Verification Checklist (VCL) requesting verification of her residential address (Exhibit B).

5. On December 13, 2017, the Department sent Petitioner a Notice of Case Action informing her that her CDC application was denied for her failure to submit all required verifications (Exhibit D).
6. On January 11, 2018, Petitioner submitted 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 (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 submitted a request for hearing disputing the Department's decision to close her CDC benefit case, as well as the denial of her CDC application. The Department issued a decision closing Petitioner's CDC benefit case on September 18, 2017. Petitioner submitted her request for hearing on January 11, 2018.

A client's request for hearing must be in writing and signed by an adult member of the eligible group, adult child, or authorized hearing representative (AHR). BAM 600 (April 2017), p. 2. Moreover, Department policy provides that a request for hearing must be received in the Department local office within 90 days of the date of the written notice of case action. BAM 600, p. 6.

Petitioner did not submit a timely hearing request to address the Department's decision to close her CDC benefit case. Therefore, the matter will not be addressed. However, Petitioner did submit a timely hearing request regarding the Department's decision to deny her application for CDC benefits. As such, the issue will be addressed.

On [REDACTED], 2017, Petitioner submitted an application for CDC benefits. Along with the application, Petitioner submitted a copy of her lease, as well as a copy of her driver's license. The Department informed Petitioner that the documents submitted were insufficient to verify her residential address. The lease was incomplete and the address on the driver's license did not match the address in the application. As a result, the Department sent Petitioner a VCL on November 27, 2017, requesting verification of her residential address. Proofs were due on December 7, 2017.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (April 2017), 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. For CDC cases, the Department allows the client 10 calendar days to provide the verification that is required. BAM 130, p. 7. Department policy sets forth acceptable verification sources for residency in CDC cases. Acceptable verification of an address includes: driver's license, other ID which provides a name and address, mortgage or rent receipt, utility bill, or collateral contact with a person who knows the individual's living arrangement. BEM 220 (January 2016), p. 7. The Department sends 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, p. 7.

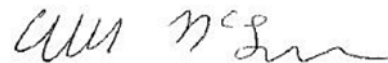
The Department testified that Petitioner did not return acceptable verification of her residential address prior to December 7, 2017. As a result, the Department sent Petitioner a Notice of Case Action on December 13, 2017, informing Petitioner that her application for CDC benefits was denied for her failure to return the required verifications. Petitioner had no explanation as to why the verification was not returned timely.

The Department presented Petitioner's electronic case file (ECF). The ECF consists of scanned documents, arranged by category and identified by a client name, recipient ID or case number, established for a particular client group. BAM 300 (October 2016), p. 1. The ECF contains all forms, documents and other evidence to the group's current and past eligibility. BAM 300, p. 1. The ECF revealed Petitioner did not return verification of her address after November 27, 2017, and before December 7, 2017. Therefore, the Department acted in accordance with policy when it 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 acted in accordance with Department policy when it denied Petitioner's application for CDC benefits. Accordingly, the Department's decision is **AFFIRMED**.

EM/cg



Ellen McLemore
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

Via Email:

MDHHS-Wayne-18-Hearings
L. Brewer-Walraven
BSC4- Hearing Decisions
MAHS

Petitioner – Via First-Class Mail:

