



GRETCHEN WHITMER
GOVERNOR

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

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DIRECTOR

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██████████, MI ██████████

Date Mailed: November 22, 2022
MOAHR Docket No.: 22-004862
Agency No.: ██████████
Petitioner: ██████ ██████

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 November 17, 2022, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Elizabeth Trompen FIM. Melanie Matwiejczyk ES also appeared and testified for the Department. Department Exhibit A, pp. 1-59 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's Child Day Care and Development (CDC) application for failing to submit 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 ██████ ██████ 2022, Petitioner applied for CDC benefits.
2. On August 23, 2022, a Verification Checklist was sent to Petitioner with a due date of September 2, 2022, requesting verifications of dependent care expenses, employment need, employment income, address, and identity. There is also a notation on the checklist that states "**Please provide additional information about:** CDC needed for approved activity". (Ex. A, pp. 18-20)
3. On September 15, 2022, a Notice of Case Action was sent to Petitioner informing her that her CDC application was denied for failing to return verification of approved activity for CDC for household member ██████ ██████

4. On October 17, 2022, Petitioner requested hearing disputing the denial of CDC.
5. Petitioner did not raise any issues with regard to her FAP benefits at hearing.

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.

Timeliness of Verifications

FIP, SDA, RCA, Child Development and Care (CDC), FAP

Allow the client 10 calendar days (or other time limit specified in policy) to provide the verification that is requested.

For CDC, if the client cannot provide the verification despite a reasonable effort, extend the time limit at least once.

For CDC, at redetermination, if a signed MDHHS-1010 or application is received, generate a VCL and allow 10 calendar days for the client to provide the verifications. If the verifications are not returned or are returned as incomplete, two 10 calendar day extensions must be given, sending VCLs after each verification due date. Clients are not required to request the extensions.

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email or Mi Bridges document upload), the date of the transmission is the receipt date. Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a MDHHS representative are considered to be received the next business day.

Send a 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

Obtaining Verification

All Programs

Tell the client what verification is required, how to obtain it, and the due date BAM 130

Verifications At Application

All of the following are required prior to opening Child Development and Care (CDC) on Bridges, unless the group is eligible for CDC Expedited Service (see BAM 118):

- Verify the **identity** of the applicant and authorized representative, if any; see BEM 221, Identity.
- Verify the client's address; see BEM 220 for acceptable verifications.
- Obtain the **Social Security number (SSN)** of the CDC grantee. Do **not** deny eligibility solely because you are unable to obtain the SSN.
- Verify the **alien status** for each child needing care that **is not a U.S. citizen**; see BEM 225, Citizenship/Alien Status.
- Verify the need for CDC; see BEM 703, including documentation of the need reason for **each** parent/substitute parent.
- Verify need for CDC services for children over age 12 with a copy of the court order or a statement from a D.O. or M.D.
- Verify all countable income, if CDC Income Eligible group; see BEM 500-504. BEM 702

**PARENT/
SUBSTITUTE
PARENT**

At application or redetermination, each P/SP must demonstrate a valid need reason.
BEM 703

In this case, Petitioner testified that she was not aware that information for her husband concerning his class schedule and CDC need reason was required from her. Petitioner pointed out that the verification checklist issued on August 23, 2022, makes no general reference to her husband by name and makes no specific request for information about his class schedule or need reason.

Melanie Matwiejczyk testified at hearing that she specifically instructed the Petitioner to submit verification of her husband's class schedule and her case notes, that she testified she inputted on the day of the interview, also reflects that. Ms. Matwiejczyk also pointed out in her testimony at hearing that the checklist does state "**Please provide additional information about:** CDC needed for approved activity". (Ex. A, p.19)


Department policy requires that applicants for CDC show a need for child care by demonstrating that all parents residing in the home have an approved reason for being out of the home and needing child care. BEM 703 The verification checklist issued on August 23, 2022, does clearly instruct Petitioner about this requirement. Ms. Matwiejczyk's testimony at hearing that she verbally told Petitioner about the requirement for [REDACTED] is also found to be credible.

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 CDC application for failing to verify CDC need for approved activity for household member [REDACTED] [REDACTED]
BAM 130

DECISION AND ORDER

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

AM/nr



Aaron McClintic
Administrative Law Judge

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

