

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2009-1951
Issue No: 6022
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 27, 2010
St. Clair County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on April 27, 2010. The record was left open until May 11, 2010, to allow the department to submit additional documents.

ISSUE

Did the department properly determine the claimant's Child Development and Care (CDC) provider's proper date of eligibility?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. On July 18, 2008, the department received CDC application forms for the claimant's mother, Helen Brown, to be her daycare provider. The department called the claimant

and informed her that the department needed her mother's ID and social security number.

(Department Exhibit 1)

2. The claimant turned in her mother's ID and social security number on July 21, 2008. (Department Exhibit 1)

3. On August 25, 2008, the claimant's mother, [REDACTED], was denied as a CDC provider for failure to disclose a criminal conviction. (Department Exhibit 1)

4. The claimant submitted a Child Care Provider Verification (DHS-4025) and Day Care Aide Provider Application (DHS-220-A) for her brother, [REDACTED], on September 8, 2008. The forms indicate the claimant's brother began watching the children ([REDACTED] [REDACTED]) on July 28, 2008 and were signed by the claimant and her brother on August 28, 2008. (Department Exhibit 5 – 7)

5. The department agreed to pay the claimant's brother back to July 20, 2008 for providing care for the two children. (Department Exhibit 9)

6. The claimant submitted a hearing request on August 28, 2008.

CONCLUSIONS OF LAW

The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (DHS or department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Department policy states:

INTRODUCTION

Eligibility for Child Development and Care services exists when the Department has established **all** of the following:

- . There is a **signed application** requesting CDC services, **and**
- . each parent/substitute parent (see Parent/Substitute Parent section in this item) is a member of a valid **ELIGIBILITY GROUP, and**
- . each parent/substitute parent (P/SP) meets the **NEED (Reason)** criteria as outlined in this item, **and**
- . an eligible provider is providing the care, **and**
- . all eligibility requirements are met. PEM, Item 703, p. 1

To be authorized to care for DHS-funded children, day care aides and relative care providers must:

- . Complete the DHS-220-A/220-A-SP, Day Care Aide Provider Application or the DHS-220-R/220-R-SP, Relative Care Provider Application, and
- . Provide proof of identity, age, and a valid Social Security number (specialist must verify), and
- . Provide proof of residence and/or mailing address if requested (specialist must verify residence and/or mailing address if information is unclear, inconsistent or questionable, and
- . Be enrolled by the department (see below).

If approved, the effective date of enrollment for a day care aide or relative care provider is the most recent of the following:

- . The date care began,
- . The client's effective date of eligibility,
- . The relative care provider's or the day care aide's 18th birthday,

- . The date verification is received indicating an adult household member with a criminal conviction, no longer resides in the home of the relative care provider (see note below).

No care can be authorized for periods prior to the effective date of enrollment. PEM, Item 704, p. 4.

DAY CARE AIDE OR RELATIFVE CARE PROVIDER APPLICATIONS

Before enrolling a day care aide or relative care provider on MPS, the prospective provider must complete the DHS-220-A/220-A-SP, Day Care Aide Provider Application or the DHS-220-R/220-R-SP, Relative Care Provider Application. In addition to the application, **all** of the following checks **must** be completed prior to enrollment on all day care aides (see Note below), relative care providers and household members age 18 and over, living in the relative care provider applicant's home:

- . Central Registry,
- . ICHAT, Internet Criminal History Access Tool,
- . OTIS, Offender Tracking Information Service,
- . PSOR, Public Sex Offender Registry,
- . NSOPR, National Sex Offender Public Registry.

All checks must also be completed when the specialist becomes aware that a new household member, over the age of 18, has moved into the relative care provider's home or when information is provided that an adult household member, age 18 and over, is on CR as a perpetrator or has a criminal conviction. PEM 704, pp. 7-8.

In this case, the claimant disputes the department's decision on the effective date of her brother's enrollment as a CDC provider. The claimant indicates that she applied for her mother and brother at the same time. The claimant further indicates that even if her mother was denied as a provider, her brother should have been paid as a provider by the end of June, 2008.

However, the documentation does not support the claimant's statement that her brother was enrolled as a provider at the same time as her mother. The claimant's mother submitted her

application on July 18, 2008. That same day, the department called the claimant and informed her that her mother would have to submit identification and her social security number. This was provided on July 21, 2008. The claimant's mother was denied as a provider on August 25, 2008, due to a failure to disclose a criminal conviction.

The only CDC provider verification/application for the claimant's brother is dated by both the claimant and Mr. Hernandez on August 28, 2008. The date care began section indicates July 28, 2009. The forms were turned into the department on September 8, 2008. This seems to show that the claimant did not submit any CDC provider application for her brother until after her mother was denied.

Department policy indicates that relative care providers must be enrolled by the department before they can be eligible to provide CDC services. This includes completion of the Relative/Day Care Aide Provider Application, providing proof of identity, age, social security number and residence. The claimant's brother did not complete the Day Care Aide Provider Application until August 28, 2008, and it was not submitted to the department until September 8, 2008. Thus, the department was quite generous in starting the claimant's brother's eligibility on July 20, 2008.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly determined the claimant's Child Development and Care (CDC) provider's proper date of eligibility.

Accordingly, the department's actions are UPHHELD. SO ORDERED.

/S/ _____
Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 15, 2010

Date Mailed: June 16, 2010

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

SLK 

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