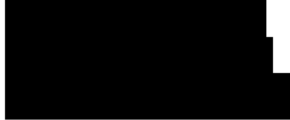


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2010-12104
Issue No.: 6021
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: August 30, 2010
Wayne County DHS (57)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on August 30, 2010. The claimant appeared and testified.

ISSUE

Did the Department properly deny the claimant's Child Care (CDC) payments?

FINDINGS OF FACT

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

1. The claimant was a CDC recipient.
2. The department suspended the claimant's father as a provider due to lack of billing.
3. On October 8, 2009, the claimant filed a request for a hearing.

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 (formerly known as the Family Independence Agency) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Bridges Administrative

Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

PROVIDER BILLING

All providers are positive bill providers. As such, they must bill DHS within 90 days after the end of the pay period being billed for or 90 days after the authorization was entered by the local office in order to receive payment. Each billing covers a biweekly (two-week) pay period. (BEM 706, p.4).

In the instant case the claimant argued for payment to her father for childcare delivered. At the hearing there was some confusion as to who had actually been the provider of care. It seems as though care was provided during the school year by Friends School and when school closed by the claimant's stepfather. The department is correct in that billing must be made within 90 days as stated above.

This ALJ finds that the claimant was unable to provide documentation of her stepfather's child care activities or documentation of the request to change providers. The department is found to have correctly denied the claimant's CDC payments.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, AFFIRMS the Department's actions in the instant case.



Michael J. Bennane
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 9/14/2010

Date Mailed: 9/14/2010

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

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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.

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