

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.: 2010-24847
Issue No.: 6000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
April 19, 2010
Wayne County DHS (76)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 conducted from Detroit, Michigan on April 19, 2010. Claimant appeared and testified; [REDACTED] appeared as Claimant's representative. On behalf of Department of Human Services (DHS), [REDACTED], Manager, and [REDACTED], Specialist, appeared and testified.

ISSUE

Whether Claimant has standing to protest the removal of her Child and Development Care (CDC) provider from her CDC case.

FINDINGS OF FACT

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

1. Claimant was an ongoing CDC recipient.

2. In 11/2009 DHS removed Claimant's CDC provider due to issues involving the provider's identification and/or address.
3. DHS removed the CDC provider but kept Claimant's CDC benefits active.
4. Claimant submitted a hearing request on 12/03/09 regarding removal of her CDC provider from her CDC case.

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 found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The undersigned has jurisdiction only over those issues presented in Claimant's hearing request. By extension, that jurisdiction is also limited to DHS actions taken prior to the submission of Claimant's hearing request.

Claimant's hearing request objected to termination of her CDC benefits. DHS credibly testified that at the time of Claimant's hearing request, the only action taken regarding Claimant's CDC benefits was removal of the CDC provider. When a CDC provider is removed from a case, the case remains active and is simply lacking an eligible provider before billing can occur. Though Claimant contends her CDC benefits were terminated, they were not.

BEM 704 states DHS policy for hearings involving issues of CDC provider eligibility, “Neither child care providers or CDC recipients are entitled to DHS administrative hearings based on provider/applicant termination or denial.” BEM 704 further advises, “If the client has questions about the termination of the aide/relative’s enrollment, he/she should be told to discuss the issue with the aide/relative provider.”

BEM 704 also advises how CDC providers can appeal a denial or termination through the administrative process. It reads, “The DHS-759 instructs providers to send all documentation to the local DHS office where the denial or termination took place.” BEM 704 continues with instructions for DHS specialists to forward the documents to Central Registry; Central Registry is a unit that specifically makes decision on the eligibility of CDC providers. It should be noted that this administrative process is for providers, not for clients. It is found that the undersigned does not have jurisdiction to determine the 11/2009 termination of Claimant’s CDC provider’s eligibility.

Though testimony was taken and evidence was submitted regarding a subsequent closure of CDC due to alleged fraud by Claimant, this decision will not address those allegations. Claimant’s hearing request clearly defined the issue as one of CDC provider eligibility. The issues of fraud and closure occurred weeks after Claimant submitted her hearing request regarding her CDC provider’s eligibility. As such, those issues may be the subject of a subsequent hearing request from Claimant.

DECISION AND ORDER

Claimant's hearing request is DISMISSED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant lacks standing to challenge the termination of her CDC provider from her CDC case.

Christian Gardocki

Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 4/30/2010

Date Mailed: 4/30/2010

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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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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