

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

IN THE MATTER OF:



Reg. No: 201027978

Issue No: 6022

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 16, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 hearing was held on August 16, 2010.

ISSUE

Was the claimant's CDC assistance period properly calculated?

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 applied for CDC benefits in August 2009.
- (2) Claimant's CDC provider was found to be ineligible for CDC benefits because of Central Registry issues.
- (3) Claimant requested that the provider be expunged immediately.
- (4) The Department delayed in processing the expungement.

- (5) Claimant's provider was expunged from the Central Registry on December 7, 2009.
- (6) Claimant was approved for CDC benefits after the provider was expunged from the Central Registry, with an approval date of December 2, 2009.
- (7) Claimant requested a hearing on January 14, 2010, alleging that her CDC should be approved retroactively to August 2009.

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

If a terminated provider is expunged from the Central Registry, the Department will remove the closure reason and enroll the provider with a service begin date the first day of the pay period beginning after the expunge date on SWSS system. This begin date must not be changed. **The provider is not eligible to receive payments prior to this date.** BEM 704, pg 7.

While the Administrative Law Judge sympathizes with the claimant's predicament with regard to processing the expungement, policy explicitly holds that the claimant's provider is not eligible to be paid CDC benefits before the date of expungement. There

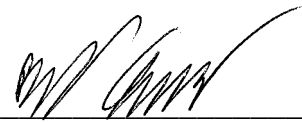
is no exception for how long the expungement took to process, nor are there standards of promptness in processing an expungement. Furthermore, it should be noted that claimant was not being denied CDC; claimant was told that CDC could not be approved until she gave the Department an acceptable provider, which claimant did not do. Claimant's chosen provider was not deemed acceptable until December 2009.

Therefore, as the claimant's provider was not given an expungement until December 2009, the Department was correct when it did not award benefits prior to this date.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's CDC assistance period was correct.

Accordingly, the Department's decision in the above stated matter is, hereby, AFFIRMED.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/13/10

Date Mailed: 10/15/10

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.

RJC/dj

cc:

