

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: 2010-43717
Issue No: 6015
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 14, 2010
Allegan County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

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 September 14, 2010. The claimant personally appeared and provided testimony, along with her sister, [REDACTED]

ISSUE

Did the department properly determine the begin date of the claimant's Child Development and Care (CDC) benefits?

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 turned in a Child Development and Care Application form (DHS-4583) for CDC benefits on February 18, 2010. (Department Exhibit 1 – 5)

2. On March 3, 2010, the claimant left a message with the department worker requesting the rest of the forms to complete the application process. These forms were mailed to the claimant on March 3, 2010.

3. The claimant returned the Relative Care Provider Application (DHS-220-R) and provider social security card and identification on March 8, 2010. (Department Exhibit 6 – 9)

4. The claimant returned the Child Care Provider Verification (DHS-4025) on March 10, 2010. (Department Exhibit 10)

5. The mandatory training/orientation for the provider was scheduled for April 1, 2010. This training is required for all new providers enrolled after March 7, 2010. (Department Exhibit 11, 16)

6. The claimant was approved for CDC services beginning April 1, 2010 and mailed a notice indicating such. (Department Exhibit 13 – 15)

7. The claimant submitted a hearing request on April 28, 2010.

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 Program Reference Manual (PRM).

Department policy states:

**CLIENT OR AUTHORIZED REPRESENTATIVE
RESPONSIBILITIES**

Responsibility to Cooperate

All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. BAM, Item 105, p. 5.

Department policy states that CDC payments will not be made until all eligibility and need requirements are met and care is being provided by an eligible provider. BEM 706.

Eligibility and need requirements can not be determined until all forms have been received by the department. BEM 702. Beginning March 7, 2010 all new aide and relative care providers must complete the [REDACTED] Orientation before they will be eligible for payment as a DHS provider. Providers are not eligible for payment for care provided prior to the pay period that holds the training completion date. BEM 704.

The claimant's provider did not complete the orientation until April 1, 2010. Thus, this is the date the provider became eligible to receive payment for CDC services. This is the date that the department authorized.

The claimant argues that her provide turned in an application on February 20, 2010 and so she should not have been required to wait for the training (as the begin date was March 7, 2010). The claimant and her sister testified that they both came into the department on February 20, 2010 and turned in the rest of the necessary paperwork, including the Relative Care Provider Application. The claimant and her witness indicate that it was a second copy that they submitted in March, 2010.

However, the department provided the copy of the front desk log that shows all clients that dropped anything off to the department for the dates of February 19, 2010 through

February 22, 2010. This log shows that neither the claimant nor her sister turned in any paperwork during this time period. Thus, there is no credible evidence that the claimant or her sister submitted the Relative Care Provider Application prior to March 8, 2010. Because that was after the date the mandatory orientation went into effect, the department correctly required the provider to complete the orientation prior to being authorized to receive pay.

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 begin date of the claimant's Child Development and Care (CDC) benefits.

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

/S/


Suzanne L. Morris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 06, 2010

Date Mailed: October 6, 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.

SLM 

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