

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: 2010-50539
Issue No: 6019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 14, 2010
Ingham 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 October 14, 2010. The claimant personally appeared and provided testimony, along with her daycare provider, [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 March 22, 2010.

2. The provider took the mandatory training/orientation on April 27, 2010. This training is required for all new providers enrolled after March 7, 2010.

3. The claimant was approved for CDC services beginning March 28, 2010 and mailed a notice indicating such. However, the provider was not paid until April 27, 2010, after the training was completed. (Department Exhibit 2 - 9)

4. The claimant submitted a hearing request on July 20, 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 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 Great Start to Quality 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 27, 2010. Thus, this is the date the provider became eligible to receive payment for CDC services. This is the date that the department authorized payments.

The claimant argues that her provider had a previous CDC provider identification and that it wasn't fair to make her wait to get paid until finishing the training. ██████ testified that she had watched children and been authorized as a CDC provider previously, but that it had lapsed. Thus, ██████ had to submit a new CDC provider application, which was submitted after March 7, 2010, when all providers were mandated to attend the training prior to receiving payment. Therefore, the department did follow policy when determining the claimant's CDC eligibility date.

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 19, 2010

Date Mailed: October 20, 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 [REDACTED]

cc:

[REDACTED]