

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: 2010-51575

Issue No: 6019

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 27, 2010

Kalamazoo 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 27, 2010. The claimant personally appeared and provided testimony.

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 and her provider, [REDACTED], were sent notice that the provider was being terminated effective April 23, 2010. (Department Exhibit 57 – 58)
2. The claimant called the caseworker who mailed the claimant the CDC forms to be completed and returned. (Department Exhibit 21)

3. The claimant's provider turned in a Child Development and Care Aide Provider Application form (DHS-220-A) on May 19, 2010. (Department Exhibit 3 – 5)

4. The claimant had not submitted a new Child Development and Care Provider Verification (DHS-4025), so the department called her to inform her she needed to complete and return the form. The claimant returned the completed form to the department on June 1, 2010. (Department Exhibit 19 – 20, 23)

5. On June 16, 2010, the claimant was mailed a Notice of Case Action (DHS-1605) that indicated her CDC benefits were approved as of April 25, 2010. (Department Exhibit 39-45)

6. On June 18, 2010, the claimant's provider was mailed a CDC Unlicensed Provider Confirmation (DHS-4481-D). This notice informed the provider that she was enrolled as a provider, but that she needed to participate in the Great Start to Quality Orientation training before she could receive payment. The provider was mailed the same notice on July 30, 2010 because the training had not been completed. (Department Exhibit 60, 61)

7. The department checked on August 19, 2010 and again on October 26, 2010 to determine if the claimant's provider had completed the Great Start to Quality Orientation training. The provider has not completed the training. (Department Exhibit 62 – 63)

8. The claimant submitted a hearing request on July 26, 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 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 was terminated as a provider on April 23, 2010. The notice of this was mailed to both the claimant and the claimant's provider's address of record. The claimant's provider was terminated from enrollment because the provider's address was no longer active and mail had been returned to sender. The claimant and provider were then responsible to complete and return new documents to get the provider enrolled.

The provider returned the Child Daycare Aide Application (DHS-220-A) on May 19, 2010.

The claimant returned the Child Development and Care Provider Verification (DHS-4025) on June 1, 2010. Both of these applications indicate that the provider “would not be eligible for payment for care provided prior to completing the Great Start to Quality Orientation training.” Further, two notices were sent to the provider on June 18, 2010 and July 30, 2010 that indicated the provider was not eligible to receive payments until the training was completed.

This new training requirement went into effect on March 7, 2010 for all aid and relatives applying to be providers. The claimant and her provider did not complete the paperwork to re-enroll the provider until after March 7, 2010. Thus, the provider is a mandatory participant in the training program and the department correctly required the provider to complete the orientation prior to being authorized to receive pay.

The department checked attendance records for the training on both August 19, 2010 and October 26, 2010. The claimant’s provider had not completed the training, thus she is ineligible to receive payments for CDC services until this training is completed.

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 claimant’s Child Development and Care (CDC) benefits could not be paid to the provide until she completed the mandatory training program.

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: November 9, 2010

Date Mailed: November 9, 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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