

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-11545
Issue No.: 6021
Case No.: [REDACTED]
Hearing Date: February 10, 2011
Wayne County DHS (57)

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 held on February 10, 2011. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Manager, appeared and testified.

ISSUE

Whether DHS properly failed to add two different Child and Development Care (CDC) providers to Claimant's CDC benefits when both providers have not completed a necessary CDC provider training.

FINDINGS OF FACT

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

1. Claimant is an ongoing CDC benefit recipient.
2. Claimant has been eligible to receive CDC benefits since 5/2010.
3. Claimant's CDC provider from 5/2010-6/19/10 was [REDACTED].
4. For unspecified reasons, [REDACTED] never completed Tier 1 CDC provider training.
5. Effective 6/20/10, Claimant received CDC provider services from [REDACTED].

6. As of 2/10/11, the date of the administrative hearing, [REDACTED] has not completed Tier 1 CDC provider training due to some unexplained complication preventing [REDACTED] from registering for the training.
7. On 11/16/10, Claimant requested a hearing disputing the failure by DHS to process [REDACTED] and [REDACTED] as CDC providers eligible to receive CDC payments.
8. DHS stated that [REDACTED] will be eligible to receive CDC payments effective 10/7/10 if he completes Tier 1 CDC provider training.

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).

Clients have the right to choose the type of child care provider they wish to use. BEM 704 at 1. Child care must be provided by an eligible provider. *Id.* Eligible providers are those monitored by DHS, Bureau of Children and Adult Licensing (BCAL), or enrolled by DHS. *Id.* To begin the enrollment process, aide and relative providers must complete the DHS-220, Child Development and Care Unlicensed Provider Application, certifying that they meet all of the requirements listed on the application. *Id.* The provider applicant must also provide the following verifications within 10 workdays of the application receipt date:

- Proof of identity.
- Proof of age.
- A copy of a valid social security number (the social security number must be verified with a copy of the card). The name on the social security card must match the name on the DHS-220-A/R. If the social security card states that it is not valid for employment, the prospective aide/relative may not be enrolled. *Id.*

Within 10 workdays of receiving the DHS-220 and all required verifications, the local DHS office must:

- Review the provider application to determine if the provider applicant has self reported a crime.

- Complete all background clearances (central registry, ICHAT, OTIS, PSOR, NSOPR, FIL) on the provider and all adult household members at the provider's address, regardless of where the care is provided. Record results on the DHS-4661-P, Child Care (CDC) Request For Criminal History and Central Registry Clearance.
- Determine eligibility of the provider applicant.
- Enroll the provider in Provider Management. *Id.*

All aide and relative care providers applying or reapplying on or after March 7, 2010, must complete a one time basic training requirement before they will be eligible to receive DHS payments. BPB 2010-010 at 1. Aide and relative care providers will not be eligible for payment until the pay period that includes the date training was completed. *Id.*; this policy is reiterated in DHS eligibility policy. BEM 704 at 6.

In the present case, Claimant contended that Claimant's two requested providers should be eligible to receive CDC payments for services already provided to Claimant. It was not disputed that both providers have not completed a required CDC provider training.

Concerning CDC provider [REDACTED], Claimant did not provide any excuse for his failure to attend CDC training. Claimant is not entitled to CDC benefits during a period when care was provided by a person who failed to abide by DHS requirements. It is found that DHS properly failed to allow payments for Claimant from 5/2010-6/19/10, a time when [REDACTED] was Claimant's CDC provider.

Claimant chose a new CDC provider after [REDACTED] did not attend CDC provider training. Claimant testified that beginning 6/20/10, [REDACTED] has provided care for Claimant's children. It was not disputed that [REDACTED] has yet to attend CDC provider training. DHS stated that if [REDACTED] attends provider training, his eligibility as a CDC provider will be effective 10/7/2010.

In response, Claimant contended that [REDACTED] has tried to attend provider training but had an unspecified problem in registering online for the training. The undersigned referred Claimant and her provider to a phone number listed in BEM 704 for guidance on resolving this issue.

Claimant also contended that [REDACTED] should be eligible for CDC provider payments 6/20/10 because that is the date that he began providing child care for Claimant's children. DHS contended that Claimant did not submit documents concerning her new CDC provider until 10/7/2010. Claimant testified that she submitted documents requesting [REDACTED] as a CDC provider prior to 10/7/10 and that DHS

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lost the documents. The undersigned need not address Claimant's contention because it is not relevant.

It was not disputed that [REDACTED] has not attended CDC provider training prior to 10/7/10. Therefore, [REDACTED] is not eligible to receive CDC payments prior to 10/7/10. Accordingly, DHS properly did not authorize CDC provider payments to [REDACTED] prior to 10/7/10.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly failed to process Claimant's CDC provider choices due to both their failure to complete CDC provider training. The actions taken by DHS are AFFIRMED.

Christian Gardocki

Christian Gardocki
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 2/17/2011

Date Mailed: 2/17/2011

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.

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[REDACTED]