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

IN THE MATTER OF:



Reg. No: 2011-1697

Issue No: 6019

Case No: Load No:

Hearing Date: December 7, 2010

Iosco-Alcona County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

HEARING DECISION

This matter is before the undersigned Admini strative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notic e, a telephone hearing was held on December 7, 2010. The claimant app eared and provided testimony, along with her sister and daycare provider, Barbara Etherton.

<u>ISSUE</u>

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:

- The claimant turned in a Child Development and Care Application form (DHS-4583) for CDC benefits on August 5, 2010. (Department Exhibit 1 – 5)
- 2. On September 17, 2010, submitted a Child Development and Care Provider Verification form (DHS-4025). (Department Exhibit 6)
- On October 1, 2010, the department mailed the claimant and her provider a Notice of Child Development and Care Provider Eligibility (DHS-4807) that indicated the provider's application had been denied due to a household member's criminal charge that had not been disclosed. The

claimant and her provider were also provided with the Request for Administrative Review of the Denial of Termination of Provider Enrollment (DHS-759). (Department Exhibit 10 - 11)

- 4. The claimant and her provider filed for an administrative review of the decision. On October 18, 2010, the department issued a decision notice that indicated the provider was eligible to receive payment for child care. (Department Exhibit 14)
- 5. On October 20, 2010, the provider submitted a second Child Development and Care Provider Verification to reapply after the administrative review.
- 6. The claimant submitted a hearing request on October 1, 2010.

CONCLUSIONS OF LAW

The Child Development and Care pr ogram is establis hed by T itles 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 Fe deral Regulations, Parts 98 and 99. The Department of Human Services (DHS or department) provides services to adults and children pursuant to MC L 400.14(1) and M AC R 400.5001-5015. Department policies are contained in the Br idges 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 lo cal office in determining initial and ongoing eligibility. This includes completion of the necessary forms. BAM, Item 105, p. 5.

Department policy states that C DC 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. B EM 702. Beginning March 7, 2010 all new aide and relative care providers must complete the Great Start to Quality Orientation before the y 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 c ompletion date. BEM 704.

The claimant's provider did not complete t he orientation until Oct ober 28, 2010. Thus, the claimant is not eligible for CDC payment for this provider until that time.

The claimant and her provider argue that the provider should be paid back to the date of application because the administrative review found the provider to be eligible. However, the claimant and her provider were informed several times that her provider could not be paid until the pr ovider was approved. The claimant and her provider signed sev eral docu ments, including the CDC Application (DHS-4583) and the Child Development and Care Provider Verifica tion (DHS- 4025) that each indicated the provider would not be eligible for paym ent until the training requirement Further, the notice of the Request for Admi nistrative Rev iew of the Denia Termination of Provider En rollment (DHS-759) clearly indicates on the second page "Inlote: Parents are respons ible for child c are expenses that are not paid by the DHS including expenses incurred while a parent 's or provider's eligibility is being determined."

Thus, the claimant and her pr ovider had clear notice that t he eligibility would not begin until after the administrative review process and after the training requirement was met. The department properly determined the provider's eligibility date.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusion sof 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.

	<u>/s/</u>
Suzanne	L. Morris
	Administrative Law Judge
	for Ismael Ahmed, Director
	Department of Human Services
Date Signed: January 11, 2011	
Date Mailed: January 11, 2011	_

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NOTICE: Administrative Hearings may or der 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 Hear ings will not orde rarehearing 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

SLM/alc

