

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201120605
Issue No.: 6000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: April 14, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: [REDACTED]

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on April 14, 2011. The Claimant appeared and testified.

ISSUE

Did the Department properly process the Claimant's Child Development and Care, (CDC) application?

FINDINGS OF FACT

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

1. On October 25, 2010, the Claimant filed an application for CDC.
2. At the time of application the proposed provider was not enrolled with the state.
3. On December 28, 2010, the Claimant filed a request for a hearing.

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 contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

At the hearing the Claimant testified that the proposed provider became enrolled on or about February 25, 2011.

ELIGIBLE PROVIDERS

Care must be provided in Michigan by an eligible provider. Eligible providers are those monitored by DHS, Bureau of Children and Adult Licensing (BCAL), or enrolled by DHS. Those monitored by the BCAL are:

- Child care centers.
- Group child care homes.
- Family child care homes.

Another group of providers recognized by the Department are unlicensed providers (aides and relatives). These providers are enrolled by DHS and are not required to be registered or licensed by BCAL. (BEM 704, p. 2).

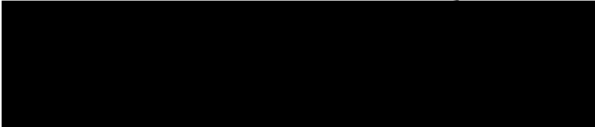
The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24. 278(2). In the instant case, the parties reached an accord. The Department agreed to reprocess the October 25, 2010, CDC application and pay any back CDC benefits after the Claimant's provider became enrolled.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department and Claimant have come to an agreement and ORDERS the Department to reprocess the October 25, 2010, CDC application and pay any back

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CDC benefits after the Claimant's provider became enrolled.



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



Date Signed: May 19, 2011

Date Mailed: May 19, 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.

MJB/hw

cc: 
Wayne County DHS (35)/ 1843

Administrative Hearing System