

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-21453
Issue No.: 6019
Case No.: [REDACTED]
Hearing Date:
April 28, 2011
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 28, 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 [REDACTED] the claimant filed an application for CDC.
2. At the time of application the proposed provider was already enrolled with the state and had been a provider for a number of years.
3. On [REDACTED], 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 had been providing care for the claimant since [REDACTED]. According to the claimant, her CDC benefits were closed in error by the department. The department was unable to comment on this issue because as one of the department's representatives stated; "I wasn't there."

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).

In the instant case the provider is the claimant's mother and has been providing care for the claimant's children for some period of time, as an eligible provider.

The department began a training program that included existing child care providers. For providers that had been previously engaged in providing care and previously recognized as such, the department demanded that these previous providers enroll in the training program. Upon enrollment, these "previous providers" would become eligible providers. The department agreed with this analysis.

Here, the department closed the claimant's CDC as not being an eligible provider. Again, the department agreed that the claimant's mother had been an eligible provider and that her enrollment for training would have qualified her to be eligible for department payment.

This ALJ finds that the department erred in closing the claimant's CDC.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the department to accept the provider's enrollment for training and classify her retroactively back to May 9, 2010, as an eligible provider, barring any unknown obstacles to such a result.



Michael J. Bennane
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: June 8, 2011

Date Mailed: June 8, 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 receipt 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:

