

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-27232
Issue No: 6019

[REDACTED]
Genesee 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 June 15, 2011. The claimant appeared and provided testimony.

ISSUE

Did the department properly deny the claimant's Child Development and Care (CDC) application?

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 turned in a Child Development and Care Application form (DHS-4583; a Child Development and Care Provider Verification form (DHS-4025); and a Child Development and Care Unlicensed Provider Application (DHS-220) for CDC benefits on December 9, 2010. (Department Exhibit 1 - 3)
2. On January 28, 2011, another Child Development and Care Provider Verification (DHS-4025) was submitted by the claimant/provider. (Department Exhibit 4)

3. The claimant was mailed a Notice of Case Action (DHS-1605) on February 4, 2011, denying her CDC application for failure to provide the required verifications. (Department Exhibit 5)
4. The claimant submitted a hearing request on March 22, 2011.

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 and her provider consistently acknowledged the training requirement on each CDC form they completed. Each of the CDC forms indicates that an unlicensed provider will not be paid by DHS until the orientation is completed and that effective March 7, 2010, DHA payment eligibility will be based on the date the provider completes the orientation. The claimant's provider did not complete the orientation until February 8, 2011. The documentation of participation was not provided to the department until

February 10, 2011. The department has a standard of promptness in which to process applications. When the verification of the training program was not provided, the department denied the claimant's CDC application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied the claimant's Child Development and Care (CDC) application.

Accordingly, the department's actions are UPHeld. SO ORDERED.

/s/

Suzanne L. Morris
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 6/20/11

Date Mailed: 6/20/11

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.

SM/ds

