

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 201129854
Issue No: 6021
Case No: [REDACTED]
Hearing Date:
June 16, 2011
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on April 4, 2011. After due notice, a telephone hearing was held on Thursday, June 16, 2011.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Child Development and Care (CDC) eligibility?

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 applied for Child Development and Care (CDC) benefits on October 20, 2010.
2. On December 22, 2010, the Department approved the Claimant for Child Development and Care (CDC) benefits.
3. On December 22, 2010, and on January 18, 2011, the Department notified the Claimant that her chosen childcare provider had not been approved by the Department for participation in the Child Development and Care (CDC) program.
4. The Department received the Claimant's request for a hearing on April 4, 2011, protesting the Department's refusal to pay the Claimant's childcare provider.

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 found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Clients have the right to choose the type of child care provider they wish to use. Care must be provided in Michigan by an eligible provider. Eligible providers are those monitored by the Department, Bureau of Children and Adult Licensing (BCAL), or enrolled by the Department. BEM 704.

In order to receive CDC benefits, the client must use an eligible provider. BEM 703. All childcare providers must be enrolled in Provider Management in order to receive payment from the department. BEM 704. Childcare providers will not be eligible until the pay period that includes the date training was completed. BEM 704.

The Claimant applied for Child Development and Care (CDC) benefits on October 20, 2010. On December 22, 2010, the Department approved the Claimant for Child Development and Care (CDC) benefits. On December 22, 2010, and on January 18, 2011, the Department notified the Claimant that her chosen childcare provider had not been approved by the Department for participation in the Child Development and Care (CDC) program.

The Claimant did not dispute that she had received notice from the Department that her chosen childcare provider had not been approved by the Department for failure to complete a mandatory training program. The Claimant testified that her childcare provider had not received notice from the Department concerning the training program.

Although the Claimant has been approved for Child Development and Care (CDC) benefits, her chosen childcare provider is not eligible to receive payments for childcare services until she completed the mandatory training and is approved by the Department to participate in the Child Development and Care (CDC) program.

The Department has established that it acted in accordance with policy when it refused payment of CDC funds to a non-eligible childcare provider.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's Child Development and Care (CDC) eligibility.

The Department's Child Development and Care (CDC) eligibility determination is AFFIRMED. It is SO ORDERED.



Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: June 20, 2011

Date Mailed: June 21, 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.

KS/tg

cc:

