

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

IN THE MATTER OF:



Reg. No: 2011-4065
Issue No: 6021
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 4, 2011
Wayne 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 September 23, 2010. After due notice, a telephone hearing was held on Tuesday, January 4, 2011.

ISSUE

Whether the Department of Human Services (Department) properly withheld payment 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:

1. The Claimant applied for CDC benefits on July 8, 2010.
2. The Claimant was approved for CDC benefits effective July 18, 2010.
3. The Department refused to issue benefits to the child care provider selected by the Claimant due to the provider's failure to complete the Great Start to Quality program.
4. The Department received the Claimant's request for a hearing on September 23, 2010, protesting the Department's failure to issue CDC benefits to her child care 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 M A C 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).

In order to be eligible for 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.

In this case, the Claimant was approved for CDC benefits effective July 18, 2010. The Department did not release CDC payments to the childcare provider selected by the Claimant because this provider was not an eligible provider at that time. The childcare provider was not eligible to receive CDC payments because the Provider Management course had not been completed.

The Claimant did not dispute that her selected childcare provider had not completed a Provider Management course until approximately September 22, 2010.

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 when it refused to issue payment to a non-eligible childcare provider.

The Department's decision to withhold CDC payments is AFFIRMED. It is SO ORDERED.

_____/s/

Kevin

Scully
Administrative Law Judge
for Duane Berger, Director
Department of Human Services

2011-4065/KS

Date Signed: January 14, 2011

Date Mailed: January 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 60 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/alc

cc:

