

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

IN THE MATTER OF:



Reg. No.: 2011-40837
Issue No.: 6022
Case No.: [REDACTED]
Hearing Date: August 22, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 August 22, 2011 in Detroit, Michigan. Claimant appeared and testified. Claimant's mother, [REDACTED] also testified on behalf of Claimant. The Department of Human Services (Department) was represented by JET Case Manager [REDACTED]

ISSUE

Was the Department correct in its decision regarding the payment start date for Claimant's Child Development and Care (CDC) provider?

FINDINGS OF FACT

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

1. The Department filed Claimant's CDC application on December 16, 2010, although Claimant had attempted to apply twice before the filing of the application.
2. The Department issued to Claimant's CDC provider a Notice of Child Development and Care Provider Ineligibility on January 19, 2011.
3. On March 29, 2011, after a Department administrative review, the Department issued a Child Development and Care Review Decision Notice, stating that Claimant's CDC provider was eligible.

4. The Department issued payment to Claimant's provider beginning March 27, 2011.
5. Claimant requested a hearing on May 17, 2011, protesting the CDC provider payment start date.

CONCLUSIONS OF LAW

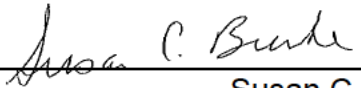
The CDC program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department 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).

BEM 704, p. 9 instructs that if it is determined by a Department Administrative Review that a CDC provider given a notice of CDC Ineligibility is determined to be eligible, the service date cannot be before the date of the new application that was enclosed with the Administrative Review Decision.

In the present case, Claimant testified credibly that she applied for CDC prior to the actual filing of her CDC application on December 16, 2010, and that she and her CDC provider did all that they could to expedite the process. Claimant argues that her CDC provider should be entitled to back-pay from November 18, 2010, the date of the provider's training completion. However, the application process was altered with the Notice of Child Development and Care Provider Ineligibility Decision Notice issued on January 19, 2011. Although Claimant's CDC provider was ultimately found to be eligible upon administrative review, Department policy (BEM 704) dictates that the service date cannot be before the date of the new application for CDC, which new application was issued with the favorable Child Development and Care Administrative Decision Notice of March 29, 2011. Therefore, the Department was correct in its decision regarding the start date of March 27, 2011 (the pay period of March 29, 2011) for Claimant's CDC provider.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law decides that the Department was correct in its decision regarding Claimant's CD C provider payment start date, and therefore it is ORDERED that the Department's decision is AFFIRMED.



Susan C. Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 8/25/11

Date Mailed: 8/25/11

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.

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