

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

IN THE MATTER OF:



Reg. No.: 2011-4534
Issue No.: 6019
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: January 12, 2011
Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on January 12, 2011. The claimant appeared and testified.

ISSUE

Did the Department properly deny the amount of the Claimant's Child Development and Care, (CDC) benefits?

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 August 30, 2010, the claimant filed for CDC benefits.
2. On October 27, 2010, 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 Michigan Administrative Code Rules R 400.5001-5015. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

Background Clearances

Before enrolling an unlicensed provider, complete a central registry clearance and criminal history background clearances on the provider and household members, age 18 and over, listed on the DHS-220. All names used by the applicant/provider and adult members, such as maiden or alias names as listed on the provider's application, must be cleared.

If a provider or household member has an out of state ID, a central registry clearance should be requested from the state where the ID was issued.

Background clearances must also be completed whenever DHS becomes aware that a new household member, age 18 and over, has moved into the unlicensed provider's home or when information is provided that an adult household member, age 18 and over, is on central registry as a perpetrator, has a criminal conviction or pending criminal charge.

Use the DHS-4661-P, Child Care (CDC) Request For Criminal History and Central Registry Clearance to complete the following required background clearances. File the completed form in the provider's file.

- Central registry.
- ICHAT (Internet Criminal Access Tool).
- OTIS (Offender Tracking Information Service).
- PSOR (Public Sex Offender Registry).
- NSOPR (National Sex Offender Public Registry).
- FIL (Federal Inmate Locator). (BEM 704, pp.6-7).

Here, the claimant's provider was not cleared as a provider due to a criminal history. At the hearing, the claimant testified that the provider was wrongly listed and that she should be cleared to provide care.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES and ORDERS the Department to return to August 30, 2010, reopen

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the claimant's CDC back to the date of application and pay for child care provided and documented, provided that the provider can prove that her listing for a criminal matter was wrongfully placed against her name.



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

Date Signed: 2/17/2011

Date Mailed: 2/17/2011

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 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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