

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-11133  
Issue No.: 6000  
Case No.: [REDACTED]  
Hearing Date: January 19, 2011  
DHS County: Wayne (82-55)

**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 the Claimant's request for a hearing. After due notice, a telephone hearing was held on January 19, 2011. Claimant appeared and testified. [REDACTED] represented the Department of Human Services (Department).

**ISSUE**

Was the Department timely in processing Claimant's Child Development and Care (CDC) program 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. Claimant applied for CDC some time in June of 2010.
2. Claimant's caseworker at the time of the June 2010 application has since retired and information about the June 2010 application cannot be located.
3. Claimant's child care provider, upon the instruction of Claimant's former caseworker, took the required Provider Management training some time after the June 2010 application.
4. Claimant requested a hearing on October 14, 2010.

5. At the hearing, the Department agreed to process Claimant's December 2010 application, back-dating the pay of the provider to the pay period in which the provider completed the required Provider Management training, upon Claimant's submission of proof of the training to the Department.
6. As a result of the agreement, Claimant indicated that she no longer wished to proceed with the hearing.

### **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 703 dictates that to enroll unlicensed (Aide/Relative) providers, the Department must certify that the provider meets all of the requirements, including proof of identity and proof of age. The Department must also complete background clearances and enroll the provider in Provider Management training. The policy specifically states:

Providers are eligible for payment starting with the pay period that holds the training date. Payments for any care provided prior to the training date can not be authorized or paid. BEM 703, p. 6.

Under BAM Item 600, clients have the right to contest any Department decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The Department provides an Administrative Hearing to review the decision and determine if it is appropriate. Department policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the Department receives a hearing request and continue through the day of the hearing.

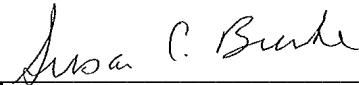
In the present case, the Department agreed to process Claimant's December 2010 application, back-dating the pay of the provider to the pay period in which the provider completed the required Provider Management training, upon Claimant's submission of proof of training to the Department. As a result of this agreement, Claimant indicated she no longer wished to proceed with the hearing. Since Claimant and the Department

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have come to an agreement, it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing. Therefore, it is ORDERED that the Department process Claimant's December 2010 application, back-dating the pay of the provider to the pay period in which the provider completed the required Provider Management training, upon submission by the Claimant of proof of the training to the Department, in accordance with this settlement.



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

Date Signed: January 26, 2011

Date Mailed: January 27, 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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