

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

IN THE MATTER OF:

[REDACTED] Reg
[REDACTED] Issue
[REDACTED] Case

No: 2011 15260

No: 6021

No: [REDACTED]

Hearing Date:

[REDACTED]

Oakland

County DHS (04)

ADMINISTRATIVE LAW JUDGE: [REDACTED]

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 hearing. After due notice, a telephone hearing was conducted by the undersigned in Detroit, Michigan on [REDACTED]. The Claimant was present and testified. [REDACTED], appeared as a witness on behalf of the Claimant and [REDACTED] appeared as the Claimant's authorized representative. [REDACTED], Assistance Payment Worker, appeared on behalf of the Department.

ISSUE

Whether the Claimant is entitled to CDC provider reimbursement prior to completion of CDC orientation training by the 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 Claimant applied for Child Development and Care (CDC) benefits on [REDACTED]
2. The Claimant was approved for CDC benefits on [REDACTED], and the Claimant's Provider was not authorized for payment. Exhibit 1
3. The Claimant's CDC provider was required to attend orientation and completed orientation on [REDACTED] Exhibit 3.
4. A Certificate/Notice of Authorization was issued by the Department on [REDACTED] authorizing payment for the provider services to begin [REDACTED] Exhibit 4
5. The Claimant requested a hearing on [REDACTED] protesting the Department's denial of CDC reimbursement for provider services provided prior to the completion of provider orientation. The Department received the hearing request on [REDACTED]

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 MAC R 400.5001-5015. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Program Reference Manual (PRM).

In this matter, the Claimant's provider did not complete the mandatory orientation training until [REDACTED]. The Claimant seeks payment reimbursement of CDC benefits for provider services rendered prior to her provider's completion of the orientation training. As of [REDACTED] orientation training was mandated for all

provider applicants who were either applying or reapplying to be a provider. BEM 704, BPB 2010 010. In this case, it was only when the Claimant's provider attended and completed the orientation training that the provider was entitled to payment for services. BEM 704, page 6.

BEM 704 is very clear with regard to when a provider can be paid and provides:

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.

The Claimant's provider was providing child care services prior to the date that orientation was completed, however the provider was advised, as was the Claimant, that no reimbursement for CDC services would be made until completion of provider orientation. Exhibits 1 and 2. While the Claimant may have been advised by various caseworkers that her provider would receive retroactive payment, the policy in BEM 704 is very clear and the information which may have been provided was incorrect and not in accordance with the policy which must be followed in all instances. Additionally, the Claimant's representative argued that there were no orientation classes available to providers as all classes were full and providers could not get certified for several months due to no classes being available, and thus the Department should in fairness have to reimburse the provider. There is no equitable provision in policy which would allow such a result, and the policy in BEM 704 is clear. The policy cited above is clear and must be followed by the Department.

Based on the foregoing analysis the Department's Certificate of Authorization for CDC benefits issued [REDACTED] authorizing services reimbursement for

CDC services as of [REDACTED] is correct and is in accordance with department Policy and must be affirmed.

DECISION AND ORDER

The Administrative Law Judge, based upon the findings of fact and conclusions of law, finds that the Department's Certificate of Authorization issued [REDACTED] [REDACTED] authorizing services reimbursement for CDC services as of [REDACTED] is correct and is AFFIRMED.

[REDACTED]

Administrative
For
Department

Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: 04/25/11

Date Mailed: 04/26/11

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.

LMF/jd

cc:

[REDACTED]

Oakland County DHS (Dist #04)

[REDACTED]

Administrative Hearings