

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

IN THE MATTER OF:



Reg. No: 2011-1697  
Issue No: 6019  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
December 7, 2010  
Iosco-Alcona County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

**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 December 7, 2010. The claimant appeared and provided testimony, along with her sister and daycare provider, Barbara Etherton.

**ISSUE**

Did the department properly determine the begin date 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 turned in a Child Development and Care Application form (DHS-4583) for CDC benefits on August 5, 2010. (Department Exhibit 1 – 5)
2. On September 17, 2010, [REDACTED] submitted a Child Development and Care Provider Verification form (DHS-4025). (Department Exhibit 6)
3. On October 1, 2010, the department mailed the claimant and her provider a Notice of Child Development and Care Provider Eligibility (DHS-4807) that indicated the provider's application had been denied due to a household member's criminal charge that had not been disclosed. The

claimant and her provider were also provided with the Request for Administrative Review of the Denial of Termination of Provider Enrollment (DHS-759). (Department Exhibit 10 - 11)

4. The claimant and her provider filed for an administrative review of the decision. On October 18, 2010, the department issued a decision notice that indicated the provider was eligible to receive payment for child care. (Department Exhibit 14)
5. On October 20, 2010, the provider submitted a second Child Development and Care Provider Verification to reapply after the administrative review.
6. The claimant submitted a hearing request on October 1, 2010.

### **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 MC L 400.14(1) and M AC 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).

Department policy states:

#### **CLIENT OR AUTHORIZED REPRESENTATIVE**

#### **RESPONSIBILITIES**

#### **Responsibility to Cooperate**

#### **All Programs**

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. BAM, Item 105, p. 5.

Department policy states that CDC payments will not be made until all eligibility and need requirements are met and care is being provided by an eligible provider. BEM 706. Eligibility and need requirements can not be determined until all forms have been received by the department. BEM 702. Beginning March 7, 2010 all new aide and relative care providers must complete the Great Start to Quality Orientation before they will be eligible for payment as a DHS provider. Providers are not eligible for payment

for care provided prior to the pay period that holds the training completion date. BEM 704.

The claimant's provider did not complete the orientation until October 28, 2010. Thus, the claimant is not eligible for CDC payment for this provider until that time.

The claimant and her provider argue that the provider should be paid back to the date of application because the administrative review found the provider to be eligible. However, the claimant and her provider were informed several times that her provider could not be paid until the provider was approved. The claimant and her provider signed several documents, including the CDC Application (DHS-4583) and the Child Development and Care Provider Verification (DHS-4025) that each indicated the provider would not be eligible for payment until the training requirement was met. Further, the notice of the Request for Administrative Review of the Denial or Termination of Provider Enrollment (DHS-759) clearly indicates on the second page "[n]ote: Parents are responsible for child care expenses that are not paid by the DHS including expenses incurred while a parent's or provider's eligibility is being determined."

Thus, the claimant and her provider had clear notice that the eligibility would not begin until after the administrative review process and after the training requirement was met. The department properly determined the provider's eligibility date.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly determined the begin date of the claimant's Child Development and Care (CDC) benefits.

Accordingly, the department's actions are UPHeld. SO ORDERED.

Suzanne

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/s/  
L. Morris  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: January 11, 2011

Date Mailed: January 11, 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.

SLM/alc

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