

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

IN THE MATTER OF:

[REDACTED]

Reg
Issue
Case

March

No: 2011 17624
No: 6021
No: [REDACTED]
Hearing Date:
7, 2011
Wayne County DHS (55)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 March 7, 2011. The Claimant was present and testified. [REDACTED] and [REDACTED] 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 benefits on August 30, 2010.
2. The Claimant's CDC provider was required to attend orientation and completed orientation on October 16, 2010.

3. The Department authorized CDC payments beginning pay period October 10, 2010 by Certificate of Authorization for CDC dated January 20, 2011.
4. The Claimant requested a hearing on December 17, 2010, 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 December 27, 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 (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 October 16, 2010. The Claimant seeks payment reimbursement of CDC benefits for provider services rendered prior to her provider's completion of the orientation training. As of March 7, 2010 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.


Unfortunately, the Claimant's provider was providing services prior to that date and would have been advised as was the Claimant that no reimbursement for CDC services would be made until completion of provider orientation. While the Administrative Law Judge is sympathetic to the Claimant, the policy in effect is clear and must be followed by the Department.

Based on the foregoing analysis, the Department's Certificate of Authorization for CDC benefits issued January 20, 2011, authorizing services reimbursement for CDC services as of October 10, 2010, is correct and in accordance with Department Policy.

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 January 20, 2011, authorizing services reimbursement for CDC services as of October 10, 2010, is correct and is AFFIRMED.

Administrative
For
Department


Lynn M. Ferris
Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: 03/17/11

Date Mailed: 03/21/11

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/dj

cc:

