

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.: 2011-18715
Issue No.: 6021
Case No.: [REDACTED]
Hearing Date: April 4, 2011
DHS County: Wayne (82-76)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on April 4, 2011. Claimant appeared and testified. [REDACTED], appeared and testified on behalf of the Department of Human Services ((DHS)).

ISSUE

Whether DHS properly processed Claimant's Child Development and Care (CDC) provider payments?

FINDINGS OF FACT

The Administrative Law Judge, based on competent, material, and substantial evidence in the record and on the entire record as a whole, finds as fact:

1. From August 2, 2009, to at least January 15, 2011, DHS did not provide CDC payments to Claimant's day care provider.
2. On February 1, 2011, Claimant filed a request for hearing notice with DHS.

CONCLUSIONS OF LAW

CDC was established by Titles IVA, IVE and XX of the U.S. Social Security Act, the U.S. Child Care and Development Block Grant of 1990, and the U.S. 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. DHS provides services to adults and children pursuant to MCL 400.14(1) and Michigan Administrative Code Rules

400.5001-400.5015. DHS' policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). The manuals are available online at www.michigan.gov/dhs-manuals.

The manuals contain all the policies and procedural requirements for DHS' activity, and I turn to the manuals to determine the rights and responsibilities of the parties in this matter.

The manual section that sets forth the requirements of the CDC program is BEM 703, "CDC Program Requirements." I have reviewed BEM 703 in its entirety and I cannot find a reason for DHS' failure to provide CDC benefits to Claimant for the above time period. Although DHS states in its Hearing Summary that it must still determine "if eligibility existed for the provider in question," I find nothing in the record in this case to indicate that any child care provider for Claimant was not eligible to be a CDC provider.

In conclusion, based on the above findings of fact and conclusions of law, I find DHS presented no explanation whatsoever for its failure to provide CDC benefits to Claimant during the specified time period. I determine that DHS error has occurred in this case and DHS shall be REVERSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that DHS erred in failing to provide appropriate CDC benefits to Claimant from August 2, 2009, until at least January 15, 2011. Accordingly, DHS is REVERSED. IT IS HEREBY ORDERED that DHS shall accept CDC provider billings statements from Claimant's provider or providers for the time period in question and process them for payment in the amounts to which those providers are entitled. All steps shall be taken in accordance with DHS policy and procedure.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 11, 2011

2011-18715/JL

Date Mailed: April 13, 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.

JL/pf

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