

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARINGS SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201126561
Issue No.: 6022
Load No.: [REDACTED]
Hearing Date: June 1, 2011
DHS County: Wayne County DHS
(43)

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 Claimant's request for a hearing. After due notice, a telephone hearing was held on June 1, 2011. Claimant appeared and testified. The Department of Human Services (Department) was represented by [REDACTED], JET Case Manager.

ISSUE

Was the Department correct in its determination of the start date of payments to Claimant's child care provider under the Child Development and Care (CDC) program?

FINDINGS OF FACT

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

1. On [REDACTED] 10, Claimant applied for day care with an unlicensed provider.
2. On or about [REDACTED], Claimant's provider completed Tier 1 training.
3. The Department began payment for the provider beginning [REDACTED].
4. On [REDACTED], Claimant requested a hearing regarding the provider payment start date.

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 704 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 704, p. 6.

In the present case, Claimant's provider completed training on or about [REDACTED], [REDACTED], and the payment for the provider started [REDACTED], within the proper pay period. Claimant argues that training could not occur until a provider number was issued and she attempted several times to get the provider number so the training could have taken place earlier. However, nothing in policy allows for payment prior to the date of completed training.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department was correct in its determination of the start date for payment to Claimant's child care provider. Therefore, the Department's decision in this matter is hereby AFFIRMED.

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

2011-26561/SCB

Date Signed: June 8, 2011

Date Mailed: June 8, 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.

SCB/ctl

cc:

