

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.: 2011-4188
Issue No.: 6022
Case No.: [REDACTED]
Hearing Date: January 5, 2011
DHS County: Wayne (82-76)

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 January 5, 2011. Claimant appeared and testified. The Department of Human Services (Department) was represented by [REDACTED].

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 June 24, 2010, Claimant applied for day care with an unlicensed provider.
2. On June 28, 2010, a verification check list was mailed to Claimant requesting the proper address.
3. On August 10, 2010, Claimant signed the Child Development and Care Provider Verification form (DHS4025), which states in part, "I understand DHS will not pay for care provided prior to an aide or relative provider's completion of the Great Start to Quality Orientation training."
4. On August 14, 2010, information was returned to the Department showing the provider's Social Security Number was incorrect.

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5. On August 21, 2010, a help desk ticket was issued to correct the Social Security Number for the provider.
6. On September 14, 2010, the Social Security Number was corrected.
7. On September 17, 2010, the provider number was input into Bridges for provider activation.
8. On September 25, 2010, the provider completed Tier 1 training and the Department began payment for the provider beginning September 12, 2010.
9. On October 7, 2010, the Department mailed the Child Development and Care Provider Certificate/Notice of Authorization.
10. On October 13, 2010, Claimant requested a hearing on provider payment from June 24, 2010, to September 12, 2010.

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 703 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 703, p. 6.

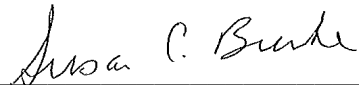
In the present case, Claimant's provider completed training on September 25, 2010, and the payment for the provider started September 12, 2010, within the proper pay period. Claimant argues that had she known of the necessity to complete the classes prior to payment, the training would have been completed prior to the September 25, 2010, date. However, Claimant was given notice of the training requirement when she

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signed the Child Development and Care Provider Verification form (DHS 4025) on August 10, 2010, which form states, in part: "I understand DHS will not pay for care provided prior to an aide or relative provider's completion of the Great Start to Quality Orientation training." It is understandable that Claimant is concerned that there was a delay from the time of application to the time of payment, as it appears that the delay occurred due to the verification process. 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.



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

Date Signed: January 11, 2011

Date Mailed: January 18, 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/pf

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