

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: 2011-6561
Issue No: 6019
Case No: [REDACTED]
Hearing Date:
March 3, 2011
Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

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 March 3, 2011. The Claimant, [REDACTED] appeared and provided testimony.

ISSUE

Did the department properly determine the commencement date of 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. On July 27, 2010, Claimant submitted a Child Development and Care Application form (DHS-4583) for CDC payments, identifying her great aunt, [REDACTED] as her designated relative care provider. (Department Exhibits 1-4).
2. On September 17, 2010, the department mailed [REDACTED] a CDC Unlicensed Provider Confirmation (DHS 4481-D), advising her of her enrollment as a Child Care Provider. The notice also advised [REDACTED] that if she applied for enrollment on or after March 7, 2010, she is not eligible to receive payment for care provided prior to her completion of Great Start to Quality Orientation training. (Department Exhibit 5).

3. [REDACTED] completed the mandatory training on October 14, 2010. (Department Exhibits 7-8).
4. On October 18, 2010, the department mailed Claimant a Notice of Case Action (DHS 1605) and a Child Development and Care Client Certificate/Notice of Authorization (DHS 198-C) advising her that her CDC application had been approved and her provider was eligible to receive CDC payments effective October 10, 2010. (Department Exhibits 9-14).
5. On October 29, 2010, Claimant requested a hearing, protesting her ineligibility to receive CDC payments from the date of her July 27, 2010, CDC application.

CONCLUSIONS OF LAW

The regulations governing the hearing and an appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because her claim for assistance has been denied. MAC R 400.903(1).

Clients have the right to contest a department decision affecting eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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 MCL 400.14(1) and MAC R 400.5001-5015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Department policy provides that clients must cooperate with the local office in determining initial and ongoing eligibility with all programs. This includes completion of the necessary forms. BAM 105. Department policy further 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 aide and relative care providers applying or reapplying for the CDC program 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.

In this case, Claimant's provider completed the mandatory training on October 14, 2010, and therefore became eligible to receive payment for CDC services effective October 10, 2010, the first pay period in which the training completion date occurred.

At the hearing, Claimant testified that at the time she completed her CDC application on July 27, 2010, neither she nor her designated provider were informed by the department that the provider must complete a new mandatory training requirement before being eligible to receive payment as a DHS provider. As a result, Claimant indicated that, once her CDC application had been approved, she expected her great aunt to be reimbursed for CDC services retroactive to the date of Claimant's application, as was the department's policy in the past.

The department representative could not confirm or deny whether the previous case worker (who has since retired) provided Claimant with information regarding the department's new policy in effect as of March 7, 2010, but he did emphasize and Claimant agreed that her provider was on notice as of September 17, 2010, the date the department mailed her the CDC Unlicensed Provider Confirmation, that the new mandatory training was a prerequisite to her receipt of payment as a DHS provider.

The Administrative Law Judge finds that while it is unfortunate that Claimant's provider was apparently not made aware of the department's new policy (in effect since March 7, 2010) until September 17, 2010, nearly two months after Claimant submitted her CDC application, the policy is clear that the provider must complete the mandatory training requirement prior to being authorized to receive pay. Consequently, based on the material and substantial evidence presented during the hearing, the department properly determined the begin date of Claimant's CDC benefits.

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 onset date of the Claimant's CDC benefits.

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

Suzanne

/s/

D. Sonneborn
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 16, 2011

Date Mailed: March 16, 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.

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