

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.: 2011-8043
Issue No.: 6022
Case No.: [REDACTED]
Hearing Date: February 3, 2011
DHS County: Wayne (82-43)

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 MCL 400.37 and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on February 3, 2011. Claimant appeared and testified. [REDACTED] appeared and testified on behalf of the Department of Human Services (DHS). [REDACTED], was also present.

ISSUE

Whether Claimant is eligible for Child Development and Care (CDC) provider benefits prior to October 16, 2010?

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. In about September 2010, Claimant applied for CDC benefits.
2. On September 17, 2010, Claimant's sister, [REDACTED], applied to DHS to become Claimant's CDC Provider.
3. On October 16, 2010, [REDACTED] completed the DHS Great Start to Quality Orientation program.
4. On November 6, 2010, DHS awarded CDC benefits to Claimant effective October 16, 2010.

5. On November 9, 2010, Claimant filed a hearing request 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. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

The administrative manuals are the policies and procedures DHS officially created for its own use. While the DHS manuals are not laws created by the U.S. Congress or the Michigan Legislature, they constitute legal authority which DHS must follow. It is to the manuals that I look now in order to see what policy applies in this case. After setting forth what the applicable policy is, I will examine whether it was in fact followed in this case.

I find that the first manual Item that is applicable to this case is BEM 703, "CDC Program Requirements." BEM 703 states that in order for a client to be eligible for CDC benefits, an "eligible provider" must be providing the child care. BEM 703, p. 1.

An "eligible provider" is a DHS term that is defined in a second manual Item, BEM 704, "CDC Providers." However, DHS issued a Bridges Policy Bulletin effective March 7, 2010, titled "CDC Interim Policy Bulletin," BPB 2010-010, and this Bulletin was in effect at the time of the events occurring in this case. This BPB Bulletin states:

CDC AIDE AND RELATIVE CARE PROVIDER TRAINING

BAM 115, BEM 704

All aide and relative care providers applying or reapplying on or after March 7, 2010 must complete a one time basic training requirement before they will be eligible to receive DHS payments.

Great Start to Quality Orientation is a free six-hour interactive training. Providers can access training availability online at...

Training topics include:

- American Heart Association First Aid and CPR Certification.
- Nutrition.
- Health and safety.

- Shaken baby syndrome.
- Safe Sleep practices.

Aide and relative care providers will not be eligible for payment until the pay period that includes the date training was completed. BPB 2010-010, p. 1.

I have reviewed all of the testimony, the evidence, and the policies and procedures involved in this case as a whole. I find and determine that BPB Bulletin 2010-010 does apply to this case, and it does operate to supplement the other requirements presented in BEM 704. Therefore, I find and conclude that DHS acted correctly in this case in granting CDC benefits to Claimant as of the pay period in which Claimant's relative provider completed the required training program. October 16, 2010, is the date Claimant's provider completed training, and it is also the starting date of the bi-monthly period in which October 16, 2010 falls.

In conclusion, based on the above findings of fact and conclusions of law, I find and decide that DHS acted correctly in this case and DHS' action is AFFIRMED. DHS need take no further action in this matter.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that DHS acted correctly in this case. Accordingly, DHS is AFFIRMED. DHS need take no further action in this matter.



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

Date Signed: February 8, 2011

Date Mailed: February 9, 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.

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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

cc:

