



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: January 30, 2018
MAHS Docket No.: 17-013633
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Denise McNulty

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 42 CFR 438.400 to 438.424; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on December 7, 2017, from Detroit, Michigan. The Petitioner represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payment Supervisor.

ISSUE

Did the Department properly determine Petitioner's Child Development and Care (CDC) benefits?

FINDINGS OF FACT

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

1. Petitioner submitted an online application for CDC benefits on August 14, 2017; at 8:15 p.m. [Exhibit A, pp. 1-46.]
2. On August 21, 2017, the Department sent Petitioner a Notice of Case Action notifying her that each of the three children have been approved for CDC benefits beginning August 6, 2017. [Exhibit A, pp. 51-55.]
3. The child care provider completed her tier 1 training on September 26, 2017; she was an unlicensed daycare facility. The Child Development and Care Provider Verification was provided to the Department in September 2017. [Exhibit A, 56-58, 60.]

4. On October 12, 2017, the Department received Petitioner's request for a hearing disputing the date benefits commenced.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

In this case, Petitioner requested a hearing because she disputes the Department's actions with regards to the starting date of benefits. Petitioner applied for benefits on August 14, 2017, at 8:15 p.m. [Exhibit A, pp. 1-46.] The Department issued a Notice of Case Action on August 21, 2017, indicating the approved starting date for benefits was August 6, 2017. [Exhibit A, pp. 56-58.] Petitioner believes the beginning date for benefit payments should be June 2017, when her grandchildren first came to reside with her.

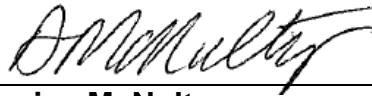
The childcare provider, Petitioner proposed to use, was unlicensed, and began working for Petitioner in June 2017. In order for an unlicensed provider to receive Department payments, they must have: (i) enrolled in and completed training; (ii) billed for care that was provided after enrollment in training and up to 30 calendar days prior to training completion. BEM 706 (October 2017), p. 3. The unlicensed childcare provider completed her training on September 26, 2017. Per policy, the earliest date on which she could begin to receive Department payments was August 28, 2017.

Petitioner argued that the unlicensed provider would have begun the training classes earlier; however, she did not have possession of a valid Social Security card and had to wait to get one. Care must be provided in Michigan by an eligible provider. An unlicensed provider is an eligible provider. BEM 704 (October 2017), p. 1. Unlicensed providers must complete the Child Development and Care [\(CDC\)](#) Unlicensed Provider Application in order to be enrolled. BEM 704, p. 3. A valid Social Security card is a required form of verification or a birth certificate and a printout from the Social Security Administration with the provider's information can be submitted. BEM 704, p. 3. It is found that the Department followed policy when it determined the beginning date on which the unlicensed provider could begin to receive Department payments for providing childcare.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it determined the date on which the unlicensed provider could begin to receive Department payments for providing childcare for the children on Petitioner's CDC benefit case.

Accordingly, the Department's decision is **AFFIRMED**.



DM/jaf

Denise McNulty

Administrative Law Judge

for Nick Lyon, Director

Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; Attention: MAHS Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

[REDACTED]

Petitioner

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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