

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL
BY THE COMMISSIONER OF HEALTH AND SOCIAL SERVICES**

In the Matter of)
)
BUSINESS A DAY CARE, LLC) OAH No. 20-0991-CCA
) Agency No.

DECISION

I. Introduction

Business A Day Care, LLC (Business A), is an approved child care assistance provider. It requested payment from the Child Care Assistance Program for child care it provided to Child Care Assistance recipients in August of 2020. The Division denied payment for those services because the payment request was not received by the Division until November of 2020, which was after the regulatory deadline. The payment request was late because Business Star sent its payment request to an incorrect email address. The Division is bound by its regulatory deadlines and it correctly denied payment. Therefore, its decision is affirmed.

II. Facts

The facts of this case are undisputed. Business A is approved by the Child Care Assistance Program to care for and receive subsidy payments for the child care it provides to eligible children.¹ It has been approved to provide and receive payment services to eligible children since November 2017.²

As part of the approval process with the Division, Business A was required to submit and sign a rate and responsibilities form. That form contains detailed provider responsibilities including the deadline by which payment forms must be submitted to the Child Care Program Office (CCPO) within the Division.³ Business A was also required to participate and complete detailed training on submission of its billings to the CCPO. Business A’s principal is B C.⁴ Ms. C participated in and completed the online training regarding submission of Business A’s billing on November 2, 2017.⁵

Matt Bockhorst, a public assistance analyst with the Division, testified that the online training completed by Ms. C included information on how to submit billing statements to the

¹ Ex. 1.
² Exs. 2-3; Testimony of Matt Bockhorst.
³ Exs. 2-3.
⁴ Exs. 1, 2.1.
⁵ Ex. 3; Testimony of Matt Bockhorst.

CCPO via mail, fax, or email. If email was used, it was to be sent to CCPO@alaska.gov.⁶ Following completion of the training, Business A successfully and timely submitted numerous billing statements to the CCPO prior to the statement at issue in this case.⁷

As early as 2019, Ms. C began to use an incorrect email address in attempting to submit Business A' billing statements to the CCPO. The address used was CCAP@aeyc-sea.org.⁸ That email address appears associated with the Southeast Alaska Association for the Education of Young Children (AEYC).⁹ While AEYC is an organization that frequently works with child care facilities through various types of programs, it is not a State of Alaska governmental entity and is not affiliated with the CCPO.¹⁰ When Ms. C mistakenly began using AEYC's email address, it notified her as early as March 20, 2020, that her submission was being forwarded to the CCPO for payment.¹¹ The forwarding by AEYC of the incorrectly addressed emails continued for many months. It resulted in Business A being repeatedly paid by the CCPO despite Business A' use of an incorrect email address associated with a wholly unrelated entity.¹²

On November 4, 2020, the CCPO received a billing submission from Business A for services rendered in August 2020.¹³ Although not stated in the submission itself, the amount at issue for the submission is \$1,732.¹⁴ The payment request was denied by the Division because it was received after the September 30, 2020 deadline.¹⁵

Business A timely requested a hearing on the payment denial. In its hearing request, Ms. C explained that her billings had been submitted to an incorrect email address but had routinely been forwarded in the past. This had led to confusion which resulted in the late submission for the August 2020 billing.¹⁶

III. Discussion

The Child Care Assistance Program assists in providing day care for the children of

⁶ Testimony of Matt Bockhorst.

⁷ Testimony of Matt Bockhorst; Testimony of B C.

⁸ Testimony of Matt Bockhorst; Testimony of B C; Exs. 4.1, 7.2, 7.7.

⁹ See <http://www.aeyc-sea.org/index.html>.

¹⁰ Testimony of Matt Bockhorst.

¹¹ Ex. 7.7. It also informed her on September 23, 2020, prior to the submission deadline for the August billing submission, that she should contact the CCPO with billing questions.

¹² Ex. 7.2.

¹³ Ex. 4.

¹⁴ Testimony of B C.

¹⁵ Exs. 5, 6.

¹⁶ Exs. 7.1, 7.2.

low and moderate-income families.¹⁷ The program's regulations require child care providers to submit requests for payment “on or before the last day of the month immediately following the month in which child care services were provided.”¹⁸ This means that September 30, 2020 was the deadline to submit a request for payment to the CCPO for services provided in August 2020. While the regulations allow very limited and specific exceptions for late submissions, they do not encompass the kind of error at issue in this case.¹⁹

Here, Business A’ August billing request was not received until November 4, 2020, well past the submission deadline.²⁰ Business A’ was fortunate that previous submissions made to an incorrect email address had been forwarded by that email recipient for as long as they were. However, when that recipient informed Ms. C in March 2020 that her payment submissions had been forwarded to the CCPO, she was placed on notice that that she had been sending her payment requests to the wrong entity.²¹ However, she did not correct that error. It must be noted that AEYC is not a subsidiary of the CCPO, nor was its forwarding anything other than a courtesy. As a result, sending the payment requests AEYC was not the equivalent of sending them to the CCPO. As a result, the undisputed facts show that Business A did not comply with the regulatory deadlines for submitting its payment request. However well-intentioned and inadvertent Business A and Ms. C’s action may have been, the Division acted in accordance with its regulations when it denied the request for payment for the August 2020 services.

III. Conclusion

Since Business A submitted its August payment request to the CCPO past the regulatory deadline, the Division’s decision denying payment to Business A is AFFIRMED.

Dated: January 11, 2021

By: *Signed* _____
Z. Kent Sullivan
Administrative Law Judge

¹⁷ AS 47.25.001 - 47.25.095.

¹⁸ 7 AAC 41.250(a).

¹⁹ 7 AAC 41.250(a).

²⁰ Ex. 4.

²¹ Ex. 7.7.

Adoption

The undersigned, by delegation from the Commissioner of Health and Social Services, adopts this Decision, under the authority of AS 44.64.060(e)(1), as the final administrative determination in this matter.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 26th day of January, 2021.

By: *Signed* _____
Name: Z. Kent Sullivan
Title: Administrative Law Judge

[This document has been modified to conform to the technical standards for publication. Names may have been changed to protect privacy.]