

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

In the Matter of	)	
	)	
U.U	)	OAH No. 22-0113-CCA
_____	)	

DECISION

I. Introduction

U.U is a licensed Approved In-Home Child Care provider. In January of 2022, the Division of Public Assistance (Division) received a Child Care Assistance (CCA) program payment request form for November 2021 from Mr. U. The Division denied this request for payment because it was received after the December 31, 2021 deadline.

Mr. U requested a hearing to challenge the denial. A telephonic hearing was held on March 2, 2022. Mr. U represented himself and testified on his own behalf. He also had one witness, Q J-L, who is the caregiver providing the in-home childcare. Jessica Hartley, a Fair Hearing representative employed by the Division, appeared on the Division's behalf. At Mr. U's request, the record was kept open until March 9, 2022, to allow him to submit e-mails that he believed he had sent to the Division. However, no further documentation was submitted by that date.

The evidence shows that Mr. U's bill for November 2021 childcare services was submitted after the December 31, 2021 deadline. As a result, the Division's denial is affirmed.

II. Facts

Mr. U was approved as a licensed approved in-home childcare provider as of August 1, 2021. The approved in-home childcare caregiver was his mother, Ms. J-L.¹ On June 13, 2021, Mr. U completed childcare assistance provider billing training. Ms. J-L was also required to complete such training and did so on September 2, 2021.²

The Division sent Mr. U a childcare assistance authorization on October 12, 2021, which was updated on November 2, 2021.³ The updated authorization listed seven children as

¹ Exhs. 3 & 11.

² Exhs. 3 & 4.

³ Exhs.5-5.7 & 6-6.6.

receiving childcare.⁴ On January 10, 2022, the Division received a CCA program payment request form for the November 2021 childcare assistance that Ms. J-L had provided.⁵ The Division denied the November payment and on January 20, 2022, sent Mr. U a letter stating that his Child Care Assistance Program Request for Payment for November 2021 had been denied because it was received after the December 31, 2021 deadline.⁶ In the fair hearing request that Mr. U submitted on January 26, 2022, he stated that the November authorization had been submitted late because he did not receive the authorization for November and December.⁷

Ms. J-L initially testified that she and Mr. U had not received the November CCA Authorization. Ms. Hartley, however, noted that the November CCA Authorization had been mailed to Mr. U. Upon further questioning, Ms. J-L said that she had seen the November authorization but did not know what it was for.

Mr. U and Ms. J-L also claimed that the delay in submitting the November billing had arisen because they had not received instructions regarding the use of a new billing form (CC78T).⁸ However, according to Ms. Hartley, the Division would still have accepted the billing had the old form (CC78) been submitted by the deadline.⁹ Mr. U stated that he had e-mail correspondence relevant to this issue with the Division, but never produced such e-mails after the hearing, although the record was kept open for a week to allow him to do so.¹⁰

III. Discussion

The Department of Health and Social Services is required by statute to “implement and administer a program to assist in providing day care for children of low and moderate income families.”¹¹ The Division’s CCA Program regulations require, in addition to other requirements, that a “request for payment must be submitted on or before the last day of the month

⁴ Exh. 6-6.6.

⁵ Exh. 7-7.11. The form itself was dated January 3, 2022; it was submitted to the Division via e-mail on January 10, 2022. *See* Exh. 7-7.11.

⁶ Exhs. 8-9.

⁷ Notwithstanding Mr. U’s statement in his fair hearing request, the childcare assistance authorizations forms covering the period from November 1, 2021 through July 31, 2022 were provided to Mr. U on October 12, 2021. *See* Exhs. 5-5.7; *see also* Division’s Position Statement, p. 2. These forms were later updated on November 2, 2021 to cover the period from October 1, 2021 through July 31, 2022 and were resent to Mr. U. *See* Exhs. 6-6.6; *see also* Division’s Position Statement, p. 2.

⁸ *See* Testimony of Mr. U and Ms. J-L; *see also* Exh. 11. At a pre-hearing conference, Ms. J-L also claimed that the Division had an incorrect e-mail address for Mr. U, which is why they never got the updated instructions.

⁹ *See* Presentation of Ms. Hartley; *see also* Division’s Position Statement, p. 1.

¹⁰ *See* Testimony of Mr. U.

¹¹ AS 47.25.001(a)(1).

immediately following the month in which childcare services were provided.”¹² This means that the bill for November must be submitted by the end of December.

Because Mr. U is requesting payment under the CCA program, he bears the burden by a preponderance of the evidence in showing that he timely submitted the childcare billing request for the childcare services Ms. J-L provided in November of 2021.¹³ Although Mr. U and Ms. J-L argued that the deadline should be relaxed because they were waiting for instructions regarding how to use the new billing form, they still had the option to submit the November billing using the old billing form but did not do so.¹⁴

IV. Conclusion

The Division’s denial of payment for the childcare services that Mr. U provided through his childcare caregiver in November 2021 is AFFIRMED.

Dated: April 11, 2022

Signed

Kathleen A. Frederick
Administrative Law Judge

¹² See 7 AAC 41.250(a). There are some general exceptions to this general rule, such as transitioning between different types of childcare assistance or if approval for childcare assistance has been issued after childcare services have already been provided. See 7 AAC 41.250(a)(1) and (2). There was no evidence or argument presented suggesting that either of these exceptions apply.

¹³ 7 AAC 49.125.

¹⁴ See Presentation of Ms. Hartley; see also Exh. 11 & Division Position Statement, p. 1.

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 April, 2022.

By: Signed
Name: Kathleen A. Frederick
Title: Administrative Law Judge

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