

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

In the Matter of	)	
	)	
Z, D. E. B., d/b/a	)	OAH No. 22-0720-CCA
CHILD CARE CENTER A	)	
_____	)	

DECISION

I. Introduction

Z, D. E. B., doing business as Child Care Center A, is an approved Alaska child care assistance provider. She requested payment from the Child Care Assistance Program for child care services she provided to a recipient in May 2022. The Division of Public Benefits denied payment for those services because the payment request was not received by the Division until July 2022, after the regulatory deadline. 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. Ms. B. is approved by the Child Care Assistance Program to care for and receive subsidy payments for child care services she provides to eligible children.¹

On June 3, 2022, Ms. B. submitted a payment request to the Division in the amount of \$650 for child care services provided to recipient E. T. in May 2022.² Because this payment request was timely received, it was paid by the Division on June 15, 2022.³

However, on July 7, 2022, the Division also received a payment request from Ms. B. in the amount of \$704 for services rendered to N. T. in May 2022.⁴ As Ms. B. testified, the initial submission was actually overstated, because by that time, Ms. T. was only provided child care on a part-time as opposed to a full-time basis.⁵ Accordingly, the claim was ultimately reduced from \$704 to \$435 to reflect the reduced

Ex. 1.
Bxs. 2-2.2.
Ex. 2.
Ex. 3-3.3.
Z, D. E. B. Testimony,

services provided to Ms. T..⁶

On July 21, 2022, the Division denied the payment request on the basis that the claim was not received by the last day of the month following the month of service.⁷

Ms. B. timely requested a hearing on the payment denial.⁸ A telephonic hearing was held before the Office of Administrative Hearings on September 20, 2022. Ms. B. participated and testified under oath through a Spanish interpreter from Translator Service A. The Division participated and provided testimony under oath through its representative, Sally Dial. The Division's exhibits 1-5 were admitted, without objection.

III. Discussion

The Child Care Assistance Program assists in providing day care for the children of low and moderate-income families.⁹ The program's regulations require child care providers to submit requests for payment to the Child Care Program Office (CCPO) within the Division "on or before the last day of the month immediately following the month in which child care services were provided."¹⁰ This means that June 30, 2022 was the deadline to submit a request for payment to the CCPO for services provided in May 2022. 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.¹¹

Here, Ms. B.'s May billing request for Ms. T. was not received by CCPO until July 7, 2022, past the submission deadline.¹² As she explained, her and her husband have different duties when it comes to the operation of the business. Her husband typically handles the billing and paperwork. However, he had recently been out-of-the-country and as such, the job fell on her during this period. Unfortunately, this ultimately resulted in the bill for the May services rendered to Ms. T. being submitted past the regulatory deadline. Ms. B. did not deny that the payment request was not timely submitted and that this failure was her responsibility.¹³

These undisputed facts show that Ms. B. did not comply with the regulatory deadlines for submitting a payment request for the services provided to Ms. T. in May

⁶ Ex. 4.4; Z, D. E. B. Testimony.

⁷ Ex. 3.4.

⁸ Ex, 4-4.4.

⁹ AS 47.25.001 - 47.25.095.

¹⁰ 7 AAC 41.250(a).

¹¹ 7 AAC 41.250(a).

¹² Ex, 3-3.3.

¹³ D. E. B. Testimony,

2022. However inadvertent Ms. B.'s failure to timely submit the request may have been, the Division acted in accordance with its regulations when it denied the request for payment for these services.

IV. Conclusion

Since Ms. B. submitted her May 2022 payment request to the CCPO past the regulatory deadline, the Division's decision denying this payment is AFFIRMED.

Dated this 21st day of September 2022

SIGNED
Z. Kent Sullivan
Administrative Law Judge

Adoption

The undersigned, by delegation from the Commissioner of Health, 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 5th of October, 2022.

By: SIGNED

Name: Z. Kent. Sullivan.

Title: Administrative Law Judge

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