

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

In the Matter of	)	
	)	
BUSINESS A., INC.	)	OAH No. 23-0181-CCA
_____	)	

DECISION

I. Introduction

Business A., Inc. (Business A.), is an approved Alaska child care assistance provider. It requested payment from the Child Care Assistance Program for child care services provided to a recipient in October and November 2022. The Division of Public Benefits denied payment for the services because the payment request was not received by the Division until February 15, 2023, 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. Business A. is approved by the Child Care Assistance Program to care for and receive subsidy payments for child care services it provides to eligible children.¹

On February 15, 2023, Business A. submitted a payment request to the Division for child care services provided to recipient S. U. in October and November 2022.² On February 22, 2023, the Division denied both requests for the payment request on the basis that the claims were not received by the last day of the month following the month of service.³

Ms. S. C. C., the new Executive Director of Business A. timely requested a hearing on the payment denials.⁴ As she explained, after Business A.'s previous Executive Director resigned in November 2022, Business A. went into a temporary closure and reopened on January 23, 2023. Upon re-opening, it hired Ms. C. as the new Executive Director. Also, it was discovered at that time that the October and November 2022 payment requests for Ms. U. had not, in fact, been provided to the Division. Upon discovery of this oversight caused by a change in Executive Directors with the Company, Ms. C. promptly submitted the

¹ Ex. 1.
² Exs. 2.2 - 2.4.
³ Exs. 3 and 3.1.
⁴ Ex. 4.

October and November 2022 requests for payment on February 15, 2023.⁵

A telephonic hearing was held before the Office of Administrative Hearings on March 28, 2023. Ms. C. participated and testified under oath on behalf of Business 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.⁶ 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."⁷ This means that November 30, 2022 was the deadline to submit a request for payment to the CCPO for services provided in October 2022 and December 30, 2022, was the deadline to submit a request for payment for services provided in November 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.⁸

Here, Business A. October and November 2022 billing requests for Ms. U. were not received by CCPO until February 15, 2023, well past the submission deadlines.⁹ As Ms. C. explained, Business A. was forced to implement an emergency closure after its previous Executive Director resigned in November 2022. That closure continued until January 23, 2023. It was only after re-opening and Ms. C. being hired as the entity's new Executive Director that it was discovered that Ms. U.'s billing requests had not been timely submitted to the CCPO.¹⁰

These undisputed facts show that Business A. did not comply with the regulatory deadlines for submitting payments request for the services provided to Ms. U. in October and November 2022. While it is certainly recognized that this failure was not the fault of Ms. C. and however understandable or inadvertent the failure to timely submit the requests

⁵ Ex. 4; Testimony of S. C. C.

⁶ AS 47.25.001 - 47.25.095.

⁷ 7 AAC 41.250(a).

⁸ 7 AAC 41.250(a).

⁹ Exs. 2.2 - 2.4.

¹⁰ Ex. 4; Testimony of S. C. C.

may have been, the Division acted in accordance with its regulations when it denied the requests for payment for these services.

IV. Conclusion

Since Business A. submitted Ms. U.'s October and November 2022 payment requests to the CCPO well past the regulatory deadline, the Division's decision denying the payments is AFFIRMED.

Dated this 30th day of March 2023

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 13th day of April, 2023.

By: Signed
Name: Administrative Law Judge

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