



Minnesota Department of **Human Services**

**DECISION OF
STATE AGENCY
ON APPEAL**

In the Appeal of: ██████████
For: Adoption Assistance – Child Care Reimbursement
Agency: Minnesota Department of Human Services
Docket: 201216

On January 11, 2018, Human Services Judge Steven S. Collins held an evidentiary hearing under Minn. Stat. § 256.045, subd. 3.

The following persons appeared at the hearing:

██████████, Appellant
██████████, Agency Adoption and Kinship Specialist

The Human Services Judge, based on the evidence in the record and considering the arguments of the parties, recommends the following findings of fact, conclusions of law, and order.

STATEMENT OF ISSUES

The issue raised in this appeal is:

Whether the Agency properly denied reimbursement of child care costs incurred by Appellant from March 1, 2017 to June 30, 2017

FINDINGS OF FACT

1. On November 17, 2017, the Adoption Assistance Program of the Minnesota Department of Human Services (“Agency”) sent Appellant a letter denying reimbursement of child care costs incurred by Appellant from March 1, 2017 to June 30, 2017. *Exhibit 2, Attachment 5*. Appellant appealed the Agency’s decision by a request received on December 6, 2017. *Exhibit 1*. On January 11, 2018, Human Services Judge Steven S. Collins held an evidentiary hearing by telephone conference. On that date, two exhibits¹ were accepted into the record and, following testimony from the two parties, the record was closed.

2. Appellant is the adoptive parent of one child, age 11. *Exhibit 1*. From March 1, 2017 through June 30, 2017, Appellant incurred child care costs in the total amount of \$2,876.85. *Exhibit 1 and Testimony of Appellant*. Appellant submitted three Child Care Reimbursement Receipt of Payment forms, each one signed by Appellant and dated September 22, 2017. *Exhibit 2*. Two of the forms were received by the Agency on November 6, 2017 and the third form was received by the Agency on November 17, 2017. *Exhibit 2, Attachments 2 and 4 and Testimony of [REDACTED]*.

3. The Agency denied reimbursement of the child care costs by notice sent to Appellant on November 17, 2017. *Exhibit 2, Attachment 5*. The Agency stated the request of reimbursement for any child care costs incurred in Fiscal Year 2017 (July 1, 2016 to June 20, 2017) would have had to be submitted prior to August 29, 2017. *Testimony of [REDACTED]*.

4. The Agency and Appellant entered into an Adoption Assistance Agreement on April 24, 2008. *Exhibit 2, Attachment 6*. The Agreement specifies that any “[r]eimbursement requests for expenditures between July 1st and June 30th of a given fiscal year must be submitted by August 28th of the subsequent fiscal year in order for reimbursement to occur.” *Id.* Appellant stated she knew and understood this provision of the Agreement. *Testimony of Appellant*.

5. The Adoption Agreement was amended by the parties on December 5, 2014. *Exhibit 2, Attachment 7*. In the amendment, there is a paragraph that states: “The adoptive parent(s) shall submit statements for expenses occurred between July 1 and June 20 of a given fiscal year. Statements for expenses must be received by the Adoption Assistance Program within 60 days after the end of the fiscal year, which is August 29, for reimbursement to occur.” *Id.* The amendment was signed by Appellant. *Id.*

¹ Exhibit 1 – Appellant’s Appeal Request; Exhibit 2 – State Agency Appeals Summary.

6. The forms used by Appellant to request reimbursement are no longer used by the Agency. *Testimony of [REDACTED]*. Appellant was advised by letter dated November 7, 2017, that the forms she used were no longer valid and that all proper forms were located on the Agency's online system. *Exhibit 2, Attachment 3 and Testimony of [REDACTED]*. Appellant was made aware of the forms she needed to use by correspondence sent by the Agency in March 2017. *Testimony of [REDACTED]*. Appellant stated she was aware of the change in forms. *Testimony of Appellant*. Appellant was sent a copy of the proper reimbursement forms and was given instructions on how to submit them. *Testimony of [REDACTED]*.

7. Appellant stated she was unable to submit the proper forms on the Agency website and did not receive assistance from any Agency representative about submitting the forms properly. *Testimony of Appellant*. Appellant stated she tried to submit the reimbursement requests in the proper way but was not able to get effective assistance. *Id.* Appellant stated she used the discontinued forms because she was not able to get the documents submitted online. *Id.* Appellant stated that she attempted to submit the reimbursement forms prior to the August 29, 2017 deadline but she was unable to complete the submission. *Id.*

CONCLUSIONS OF LAW

1. A person may request a state fair hearing by submitting a written request for a hearing to the state agency either: 1) within thirty days of receiving written notice of the action; or 2) within ninety days of such notice if the appellant can show good cause why the request for an appeal was not submitted within the thirty day time limit. *Minn. Stat. §256.045, subd. 3.* Appellant filed her appeal within 30 days of written notice of action; therefore, this appeal is timely and the Commissioner of Human Services has jurisdiction over this appeal.

2. Parents under adoption assistance are eligible for reimbursements for special non-medical expenses. *Minn. Stat. § 269A.20, Subd. 4.* These special non-medical expenses include child care for a child age 12 and younger. *Minn. Stat. § 269A.20, Subd. 4(c)(1).* Payments to parents under adoption assistance must be made monthly. *Minn. Stat. § 269A. 20, Subd. 1(a).* Adoptive parents are also required to submit statements for expenses incurred between July 1 and June 30 of a given fiscal year to the state adoption assistance unit within 60 days after the end of the fiscal year in order for reimbursement to occur. *Minn. Stat. § 269A.20, Subd. 4(d).*

3. The Agency correctly denied Appellant's request for reimbursement of child care expenses incurred from March 1, 2017 to June 30, 2017. Appellant testified she was aware of the deadline for submission of reimbursement requests. Appellant stated she attempted to submit the reimbursement documents prior to the deadline of August 29, 2017, but there is no credible evidence to support this claim. The reimbursement documents are dated September 22, 2017, almost a month beyond the statutory deadline. Those reimbursement requests were not submitted until November 2017, over two months after the deadline. The Agency has shown that it supplied Appellant with the necessary information and forms required to make timely submissions. Appellant simply missed her deadline and the reimbursement requests were not timely submitted. The Agency's decision must be AFFIRMED.

RECOMMENDED ORDER

THE HUMAN SERVICES JUDGE RECOMMENDS THAT the Commissioner of Human Services AFFIRM the Agency's denial of reimbursement of child care costs incurred by Appellant from March 1, 2017 to June 30, 2017.

Steven S. Collins
Human Services Judge

Date

ORDER OF THE COMMISSIONER

IT IS THEREFORE ORDERED THAT based upon all the evidence and proceedings, the Commissioner of Human Services adopts the human services judge's recommended findings of fact, conclusions of law, and order as her final decision.

FOR THE COMMISSIONER OF HUMAN SERVICES:

Date

cc: [REDACTED], Appellant
[REDACTED] - DHS Adoptions

FURTHER APPEAL RIGHTS

This decision is final, unless you take further action.

Appellants who disagree with this decision should consider seeking legal counsel to identify further legal recourse.

If you disagree with this decision, you may:

- **Request the Appeals Office reconsider this decision.** The request must state the reasons why you believe your appeal should be reconsidered. The request may include legal arguments and may include proposed additional evidence supporting the request; however, if you submit additional evidence, you must explain why it was not provided at the time of the hearing. The request must be *in writing*, be made *within 30 days of the date of this decision*, and a *copy of the request must be sent to the other parties*. Send your written request, with your docket number listed, to: *Appeals Office, Minnesota Department of Human Services, P.O. Box 64941, St. Paul, MN 55164-0941*. You may also fax the request to (651) 431-7523.
- **Start an appeal in the district court.** This is a separate legal proceeding that you must start *within 30 days of the date of this decision*. You start this proceeding by serving a written copy of a notice of appeal upon the Commissioner and any other adverse party of record, and filing the original notice and proof of service with the court administrator of the county district court. The law that describes this process is Minnesota Statute § 256.045, subdivision 7.²

² County agencies do not have the option of appealing decisions about Supplemental Nutrition Assistance Program (SNAP), Minnesota Family Investment Program (MFIP), or Diversionary Work Program (DWP) benefits to district court under 7 C.F.R. § 273.15(q)(2) and Minnesota Statute § 256J.40.