

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No.: 2009 25335
Issue No.: 6019
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
July 1, 2010
Wayne County DHS (17)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on July 1, 2010. The Claimant appeared and testified. [REDACTED] FIM and [REDACTED] FIM appeared on behalf of the Department.

ISSUE

Was the Department correct in closing Claimant's Child Day Care benefits for having excess income and failing to return employment verifications?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. Claimant was an on going recipient of CDC benefits.
2. Claimant was sent a verification of employment on March 4, 2009 with a March 14, 2009 due date.
3. Claimant submitted pay stubs for April 2009 to the Department prior to closure.

4. Claimant has \$1742 gross income for April 2009.
5. Claimant's CDC benefits were closed on May 5, 2009 for excess income and failure to provide verifications.
6. Claimant requested hearing on April 30, 2009 contesting the closure of CDC benefits.

CONCLUSIONS OF LAW

The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (formerly known as the Family Independence Agency) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. The questionable information might be from the client or a third party. Id. The Department can use documents, collateral contacts or home calls to verify information. Id. The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. BAM 130, p.4; BEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130, p. 4. Before making an eligibility determination, however, the department must give the client a reasonable opportunity

to resolve any discrepancy between his statements and information from another source. BAM 130, p. 6. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130

Case closure is **not** required if all of the following conditions exist: • Ineligibility will exist for only two consecutive CDC pay periods because the conditions resulting in excess income are not expected to recur in the following month, and • The group is currently active for CDC, and • The group exceeded the department pay percent income eligibility scale in [RFT 270](#). BEM 525

In the present case, Claimant had excess income for the month of March 2009 due to working overtime. This Administrative Law Judge finds that this was not expected to recur for the following month, therefore closure was not warranted. BEM 525 Claimant had \$1742 gross income for April 2009, well below the \$2367 gross income limit. RFT 270 Therefore closure of Claimant's CDC benefits was improper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was incorrect in the closure of Claimant's CDC benefits, and it is ORDERED that the Department's decision is hereby REVERSED. Claimant's CDC benefits shall be reinstated and reprocessed as of the date of closure. Any missed benefits shall be paid to Claimant in the form of a supplement.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 07/09/2010

Date Mailed: 07/09/2010

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

AM/cjp

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