

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: 2009-16342

Issue No: 6019

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 19, 2010

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on May 19, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly deny Claimant's Child Development and Care (CDC) application due to excess income?

FINDINGS OF FACT

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

(1) On October 17, 2008, Claimant submitted an application for Child Development and Care (CDC) benefits.

(2) On October 30, 2008, a Social Security card and Operators License were dropped off for the designated child care provider. The Social Security card had not been signed.

(3) On November 14, 2008, a Social Security card and Operators License were dropped off for the designated child care provider. Again, the Social Security card had not been signed.

(4) On December 11, 2008, a financial eligibility budget was run using the actual income provided by Claimant. The budget showed that Claimant was not eligible due to excess income. Claimant was sent notice of the Department's determination.

(5) On February 4, 2009, Claimant submitted a request for hearing.

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 (DHS or department) 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).

In this case language in the hearing request only refers to the denial due to excess income. A late blooming authorized hearing representative was present although there was no appearance or authorization in the record. Claimant testified that she wished to have the representative and it was allowed. The authorized hearing representative proceeded to argue that the financial eligibility budget was not valid because the Child Development and Care (CDC) case had been closed incorrectly in September 2008. At the urging of the authorized hearing representative, Claimant asserted she had never received any notice of the Child

Development and Care (CDC) case closure of September 2008. The request for hearing in this file raises no issues about closure of the Child Development and Care (CDC) case prior to the October application. The Department had no notice that any such issue would be a part of this hearing. Any issues of an incorrect closure in September 2008, are not hearable issues for this hearing.

Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

PROSPECTIVE BUDGETING/INCOME CHANGE PROCESSING

DEPARTMENT PHILOSOPHY

A group's benefits for a month are based, in part, on a prospective income determination. A best estimate of income expected to be received by the group during a specific month is determined and used in the budget computation.

Get input from the client whenever possible to establish this best estimate amount. The client's understanding of how income is estimated reinforces reporting requirements and makes the client an active partner in the financial determination process.

DEPARTMENT POLICY

FIP, SDA, CDC and FAP

A group's financial eligibility and monthly benefit amount are determined using:

- Actual income (income that was already received).
- Prospected income amounts (not received but expected).

Only **countable** income is included in the determination (see BEM 500).

Each source of income is converted to a **standard monthly amount**, unless a full month's income will not be received (see standard monthly amount in this item).

DETERMINING BUDGETABLE INCOME

FIP, SDA, CDC, FAP

Determine budgetable income using countable, available income for the benefit month being processed.

Past Months

Use actual gross income amounts received for past month benefits, converting to a standard monthly amount, when appropriate. See Standard monthly amount in this item.

Current and Future Months

Prospect income using a best estimate of income expected to be received during the month (or already received). Seek input from the client to establish an estimate, whenever possible.

To prospect income, you will need to know:

- The type of income and the frequency it is received (such as, weekly).
- The day(s) of the week paid.
- The date(s) paid, and
- The gross income amount received or expected to be received on each pay date. (BEM 505)

When asked specifically about the financial eligibility budget, there was no testimony or evidence submitted to indicate the budget was incorrect.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant's Child Development and Care (CDC) application due to excess income.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 23, 2010

Date Mailed: May 25, 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 mailing 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.

GFH/alc

cc:

[REDACTED]