

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: 2009-26688
Issue No: 6019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 30, 2010
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on April 16, 2009. After due notice, a telephone hearing was held on Wednesday, June 30, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Child Development and Care (CDC) eligibility?

FINDINGS OF FACT

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

- (1) The Claimant was receiving CDC benefits as a group of five.
- (2) On March 31, 2009, the Department conducted a redetermination of the Claimant's CDC benefits.

(3) The Claimant receives earned income in the gross monthly amount of [REDACTED].

(4) The Claimant received child support in the gross monthly amount of [REDACTED].

(5) On April 16, 2009, the Department terminated the Claimant's CDC benefits due to excess income.

(6) On April 16, 2009, the Department received the Claimant's request for a hearing, protesting the termination of her CDC benefits.

CONCLUSIONS OF LAW

The Child Development and Care (CDC) 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 found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Countable income is the amount remaining after applying policy in this and other income-related manual items. This is the amount used to determine eligibility and benefit level. BEM 500. Earned income means income received for duties that were performed for remuneration or profit, and unearned income is all income that is not earned. BEM 500.

On March 31, 2009, the Department conducted a redetermination of the Claimant's CDC benefits. The Claimant receives earned income in the gross monthly amount of [REDACTED]. The Department determined the Claimant's earned income by taking the sum of the two paychecks she received in the previous 30 days, which were for [REDACTED]. The Department

also considered the Claimant's unearned income, which consists of child support in the gross monthly amount of [REDACTED]. The Department determined this by taking the average of child support payments received for the previous three months. The Claimant received [REDACTED] in each of the previous three months.

The Claimant receives a total budgetable income in the gross monthly amount of [REDACTED]. A group of five may receive a maximum income of [REDACTED] and remain eligible for CDC benefits. RFT 270. The Claimant's income exceeds the income limit, and the Department terminated her CDC benefits. The Department has established that it determined the Claimant's eligibility for CDC benefits in accordance with policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's CDC eligibility.

The Department's CDC eligibility determination is AFFIRMED. It is SO ORDERED.

/s/ _____
Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 13, 2010

Date Mailed: July 13, 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 60 days of the filing of the original request.

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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.

KS/vc

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