

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2010-10277
Issue No.: 6019
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 13, 2010
Wayne County DHS (49)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 September 13, 2010. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], FIS Case Manager, appeared and testified.

ISSUE

Whether DHS properly denied the Claimant's Child Development and Care 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. Claimant applied for Child Development and Care (CDC) benefits on August 31, 2010.
2. The Department of Human Services denied the application after it received a verification of employment and included the claimant's earned income in computing the CDC eligibility.
3. The Department had prepared an earlier CDC budget which did not include the Claimant's earned income.
4. The department denied the claimant CDC benefits on October 17, 2009 due to excess income.

5. The claimant confirmed that her group received \$1223 in RSDI unearned income.
6. Claimant confirmed at the hearing that she received earned income in the amount of \$520. The department properly computed the total countable income and \$1743.
7. The gross income limit for each CDC group of two is \$1607. The claimant's income exceeded that amount and thus she was not qualified to receive CDC benefits.
8. DHS properly denied the Claimant's CDC application due to Claimant's income exceeding the gross income limits for CDC benefits.
9. Claimant submitted a hearing request on October 30, 2009 protesting the denial of for CDC application.

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 Bridges Reference Manual (BRM).

The claimant verified that that the employment income used by the department in the amount of \$520 was correct, and that it is found that the department properly utilized this income in the budget it computed with the earned income as verified by the claimant's employer. The claimant's combined income is \$1743. DHS calculated Claimant's gross budgetable income to be \$1743.

The gross income limit for CDC eligibility for a group of two persons is \$1607. RFT 270. Claimant's gross monthly income is \$1743 and exceeds the income limits of CDC eligibility.

Based on the foregoing facts and law it is found that the department properly denied claimant's application for CDC benefits in its decision in that regard must be and is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's CDC application due to excess income.

Accordingly, the department's actions are AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 9/17/2010

Date Mailed: 9/17/2010

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.

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