

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: 2010-13698
Issue No: 6019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 27, 2010
Cass County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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, an in-person hearing was held on May 27, 2010. Claimant personally appeared and testified.

ISSUE

Did the department correctly determine that the claimant had excess income for Child Development and Care (CDC) program in October, 2009?

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 CDC on October 7, 2009 to pay for child care for her two children.
2. On October 26, 2009 department computed a CDC budget and determined that the claimant had excess income for this program. (Department's Exhibit 4).

3. Department used claimant's employment income to compute the budget, specifically pay checks received on August 28, 2009, September 4, 2009, September 11, 2009, September 18, 2009 and September 25, 2009. (Department's Exhibits 1-3).

4. Department notified the claimant of CDC denial and she requested a hearing on November 19, 2009.

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 (RFT).

Departmental policy on budgeting of non-child support income states that the department is to use past income to prospect income for the future unless changes are expected. Income to be used is from the past 30 days if it appears to accurately reflect what is expected to be received in the benefit month. The 30-day period used can begin up to 30 days before the interview date or the date the information was requested. BEM 505, p. 4.

Claimant applied for CDC on October 7, 2009, and following the quoted policy department was to use her income from the past 30 days to prospect her October, 2009 CDC eligibility. This would mean that the department was to use claimant's employment income starting with September 7, 2009. Department obtained claimant's employment income back to

August 28, 2009 and included income starting with this date in their CDC income computation. However, claimant's September 11th check was for \$546, September 18th for \$273 and September 25th for \$461.58, for a total gross of \$1,281. When this amount is divided by 3 pay days, claimant's average weekly income was \$426.86, and multiplied by 4.3 weeks in a month amounted to \$1835, below the CDC income eligibility limit of \$1990 for the family of 3.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department incorrectly determined that the claimant had excess income for CDC in October, 2009.

Accordingly, department's action is REVERSED. Department shall:

1. Process claimant's disputed October 7, 2009 CDC application and issue her any benefits she is eligible for but did not receive.
2. Notify the claimant in writing of this determination.

SO ORDERED.

/S/
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 8, 2010

Date Mailed: June 8, 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.

IR/tg

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