

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: 2010-16001
Issue No: 6019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 11, 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 November 9, 2009. After due notice, a telephone hearing was held on Wednesday, August 11, 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 applied for CDC benefits on April 23, 2009.
- (2) The Department denied the Claimant's application for CDC benefits for failure to cooperate, but initiated a redetermination of the Claimant's eligibility on July 16, 2009.

Department Exhibit 1 – 2.

(3) On October 27, 2009, the Department denied the Claimant's application for CDC benefits for excess income, but after another redetermination of the Claimant's eligibility determined that the Claimant was eligible for CDC benefits from April 23, 2009, through May 23, 2009. Department Exhibit 3 – 6.

(4) The Claimant receives monthly earned income in the gross monthly amount of [REDACTED] Department Exhibit 8 – 12.

(5) The Claimant receives monthly child support in the gross monthly amount of [REDACTED] Department Exhibit 17 – 19.

(6) On June 16, 2009, the Department determined that the Claimant was not eligible for CDC benefits due to excess income.

(7) The Department received the Claimant's request for an appeal on November 9, 2009, protesting the denial 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 (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).

All earned and unearned income available to the Claimant is countable. Earned income means income received from another person or organization or from self-employment for duties

for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be before than the client actually receives because the gross amount is used prior to any deductions. BEM 500.

The Claimant applied for CDC benefits on April 23, 2009, as a group of four, and the Department denied her for failure to cooperate in the eligibility determination process. Later the Department re-determined the Claimant's eligibility, but denied her application on October 27, 2009, for excess income. After further review of the Claimant's income, the Department determined that the Claimant was eligible for CDC benefits from April 23, 2009, through May 23, 2009. The Department determined that the Claimant was not eligible for CDC benefits effective June 16, 2009, for excess income.

The Claimant receives monthly earned income in the gross monthly amount of [REDACTED] and monthly child support in the gross monthly amount of [REDACTED]. The Department determined the Claimant's earned income from pay stubs received in June of 2009, for [REDACTED]

[REDACTED].

The Claimant received a total countable income of [REDACTED] during June of 2009. For June of 2009, the monthly income limit for a group of four was [REDACTED]. Therefore the Claimant was not eligible for CDC benefits due to excess income.

The Department established that it acted in accordance with policy when it denied the Claimant's application for CDC benefits effective June 16, 2009.

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: August 20, 2010

Date Mailed: August 23, 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.

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

cc:

