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

IN THE MATTER OF:

Reg. No:	201023851
Issue No:	6019
Case No:	
Load No:	
Hearing Date:	
September 21, 2010	
Muskegon County DHS	

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administ rative Law Judge by authority of MC L 400.9 and MCL 400.37. Claimant 's request for a hearing was received on January 7, 2010. After due notice, a telephone hearing was held on Tuesday, September 21, 2010.

ISSUE

Whether the Department of Human Serv ices (Department) properly det ermined 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 received CDC benefits until January 27, 2009. Department Exhibit 1.
- 2. The Claim ant was receiving short-term disability and her employment stopped on January 27, 2009. The Depar tment stopped issuing CDC benefits on behalf of the Claimant after J anuary 27, 2009, because the Cla imant did not hav e a need. Department Exhibit 1.
- 3. The Claimant returned to work on May 16, 2009, and this employment continued until November 7, 2009. Department Exhibits 2 3.

4. The Department received the Claimant's request for a hearing on January 7, 2010, protesting the Department's failure to issue CDC benefits during the time she was working.

CONCLUSIONS OF LAW

The Child Development and Care program is established by T itles IVA, IVE, and XX of the Social Security Act, the Child Care and Development Block Gr ant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by T itle 45 of the Code of F ederal Regulations, Parts 98 and 99. T he Department of Human Services (DHS or Department) provides services to adults and children pursuant to MCL 400.14(1) and M AC R 400.5001-5015. Depa rtment policies are found in the Bridges Administrative Ma nual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Clients must report changes in circumstance that pot entially affect eligibility or benefit amount within 10 day s of receiving the first payment reflecting the change. BAM 105 . Income reporting requirements are limited to the following:

Earned income:

- Starting or stopping employment.
- Changing employers.
- Change in rate of pay.
- Change in work hours of more than five hours per week that is expected to continue for more than one month.

Unearned income:

- Starting or stopping a source of unearned income.
- Change in gross monthly income of more than \$50 since the last reported change.

Other changes:

- Persons in the home.
- Marital status.
- Address and shelter cost changes that result from the move.
- Vehic les.

- Assets.
- Child support expenses paid.
- Health or hospital coverage and premiums
- Day care needs or providers. BAM 105

The goal of the Child Developme nt and Care (CDC) program is to pr eserve the family unit and to promote its econom ic independence and s elf-sufficiency by promoting safe, affordable, accessible, quality child care fo r qualifie d Michigan families. BEM 703 . Each parent/substitute parent of the child n eeding care must have a valid need reason during the time child c are is requested. BEM 703. Each need re ason must be verified and exists only when each parent/substitute par ent is unavailable to provide the care because of:

- Family preservation.
- High school completion.
- An approved activity.
- Employment. BEM 703.

The Claim ant was receiving CDC benefit s until January 27, 2009, when s he stopped working and began c ollecting s hort-term dis ability. The Depart ment stopped issuing CDC benefits on beh alf of the Claimant after January 27, 2009, because the Claimant did not have a verified need for day care.

The Claimant's short-term disability period ended and she returned to work on May 16, 2009. The Claimant notified the Department that she had returned to work, which continued until November 7, 2009. The Claimant's employ ment was used to determine her eligibility for the Fa mily Independence Program (F IP) and the Food Assistanc e Program (FAP), but the Claimant did not inform the Department of a need for day care or reapply for CDC b enefits until December 29, 2009. The Claimant did n ot notify the Department that she had a need for day care after she returned to work on May 16, 2010. Although the Claimant's day care needs after May 16, 2009, may hav e been the same as they were before January 27, 2009, the Department had no basis for reaching this determination.

The Claim ant had a duty to report day care needs within 10 days of her change in circumstances. Because the Claimant failed to report ci rcumstances affecting her eligibility to receive benefits, the Department has establishe d that she was not eligib le for CDC benefits from May 16, 2009, through November 7, 2009.

DECISION AND ORDER

The Administrative Law Judge, based upon t he above findings of fact and conclusion s of law, decides that the D epartment 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: October 11, 2010

Date Mailed: <u>October 12, 2010</u>

NOTICE: Administrative Hearings may or der a rehearing or reconsideration on either its own motion or at t he request of a party wit hin 30 days of the ma iling date of this Decision and Order. Administrative Hear ings will not orde r a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

KS/alc

