

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: 201032537
Issue No: 6019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 24, 2010
Kalamazoo 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 January 19, 2010. After due notice, a telephone hearing was held on Tuesday, August 24, 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 September 17, 2009, as a group of three.
2. The Claimant receives monthly earned income in the gross monthly amount of [REDACTED]. Department Exhibits 1 – 2.
3. The Claimant receives monthly child support income in the gross monthly amount of [REDACTED]. Department Exhibits 3 – 4.
4. On January 8, 2010, the Department notified the Claimant that it had denied her CDC application due to excess income. Department Exhibits 9 – 10.

5. The Department received the Claimant's request for a hearing on January 19, 2010, protesting the denial of her 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 (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 more than the client actually receives because the gross amount is used prior to any deductions. BEM 500.

The Department determines a client's eligibility for program benefits based on the client's actual income and/or prospective income. Actual income is income that was already received. Prospective income is income not yet received but expected. Prospective budgeting is the best estimate of the client's future income. BEM 505.

All income is converted to a standard monthly amount. If the client is paid weekly, the Department multiplies the average weekly amount by 4.3. If the client is paid every other week, the Department multiplies the average bi-weekly amount by 2.15. BEM 505.

The Claimant applied for CDC benefits on September 19, 2009. The Claimant receives monthly earned income in the gross monthly amount of [REDACTED]. This was determined by averaging her gross pay of [REDACTED] from two bi-weekly paychecks, and multiplying this amount by the conversion factor of 2.15 as directed by Bridges Eligibility Manual Item 505. The Claimant receives monthly child support income in the gross monthly amount of [REDACTED]. This was determined by taking the average of actual child support payments received over a three month period as directed by Bridges Eligibility Manual Item 505.

The Claimant's total countable income of [REDACTED] is determined by taking the sum of her monthly earned income and child support income. The income eligibility limit for a group of three is [REDACTED]. Therefore the Claimant is not eligible for CDC benefits.

The Department has established that it acted in accordance with policy when it denied the Claimant's CDC application for excess income.

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: September 10, 2010

Date Mailed: September 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.

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: [REDACTED]