

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.: 2010-37751  
Issue No.: 6019  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date:  
June 28, 2010  
Wayne County DHS (49)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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, a telephone hearing was conducted from Detroit, Michigan on June 28, 2010. Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Manager, and [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's Child and Development Care (CDC) redetermination 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 was an ongoing CDC recipient.
2. Claimant was part of a two person CDC group.
3. Claimant's CDC benefit period was scheduled to end 3/31/09.

4. In response to DHS requests for verification for Claimant's CDC redetermination, Claimant verified weekly gross income amounts for the following pay dates: \$379.20 for 1/7/10, \$389.53 for 1/14/10, \$377.11 for 1/21/10 and \$384.60 for 1/28/10.
5. DHS calculated Claimant gross monthly income as \$1645.
6. DHS denied Claimant's CDC redetermination due to Claimant's gross income exceeding the CDC gross income limits.
7. Claimant submitted a hearing request on 5/26/10 regarding the denial of Claimant's CDC redetermination.

#### 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 found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

DHS must periodically redetermine an individual's eligibility for benefit programs. BAM 210 at 1. A complete redetermination is required at least every 12 months. *Id.* In the present case, DHS redetermined Claimant's eligibility for CDC benefits and found that Claimant's gross income exceeds the gross income limits. Claimant disputes the DHS finding.

Claimant's only household income is from her employment. Claimant submitted verification of the following pay dates and gross amounts: \$379.20 for 1/7/10, \$389.53 for 1/14/10, \$377.11 for 1/21/10 and \$384.60 for 1/28/10.

In calculating benefits, DHS projects a client's employment income by using the last 30 days of payments if it appears to accurately reflect what is expected to be received in the benefit month. BEM 505 at 4. Weekly payments are averaged and multiplied by 4.3 to convert the 7 day pay periods into a full month of pay.

Claimant's average check is calculated by adding the four submitted gross check amounts and dividing by four, the number of checks. The average check gross amount is \$382.61; multiplying \$382.61 by 4.3 results in a gross monthly income of \$1645. The monthly CDC gross income limit for a two person group is \$1607. RFT 270. Claimant's gross income exceeds the gross income limits for CDC eligibility. It is found that DHS properly denied Claimant's redetermination due to excess income by Claimant. As discussed during the hearing, Claimant may reapply for CDC benefits at any time.

DECISION AND ORDER

The actions taken by DHS are AFFIRMED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's CDC redetermination due to Claimant's gross income exceeding the gross income limits for CDC eligibility.



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Christian Gardocki  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 6/29/2010

Date Mailed: 6/29/2010

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.

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