

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: 2010-4396
Issue No: 3002; 6019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 25, 2009
Otsego 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, a telephone hearing was held on November 25, 2009. Claimant personally appeared and testified.

ISSUES

1. Did the department correctly determine that the claimant had excess income for Child, Development and Care (CDC) program?
2. Did the department correctly compute the amount of Food Assistance Program (FAP) benefits that the claimant was entitled to receive, resulting in decrease in such benefits?

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 a CDC and FAP recipient when the department completed a redetermination on her case in October, 2009.

2. Department determined that the claimant had excess income for CDC due to her employment and child support income, and terminated such benefits effective October 2, 2009.

3. Department also computed a new FAP budget that resulted in decrease in such benefits from \$526 to \$196 per month effective November 1, 2009.

4. Claimant requested a hearing on October 20, 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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Departmental policy states:

CDC PROGRAM REQUIREMENTS

PROGRAM OVERVIEW

The goal of the Child Development and Care (CDC) program is to preserve the family unit and to promote its economic independence and self-sufficiency by promoting safe, affordable, accessible, quality child care for qualified Michigan families.

The Department of Human Services (DHS) may provide payment for child care services for qualifying families when the parent(s)/substitute parent(s) is unavailable to provide the child care because of employment, education and/or because of a health/social condition for which treatment is being received and care is provided by an eligible provider. BEM, Item 703, p. 1.

Claimant is employed and needed CDC for her children during her work hours. Policy further states:

CATEGORICALLY ELIGIBLE

The following four eligibility groups do not require an income determination:

- . Protective services
- . Preventive services
- . Foster care
- . FIP/EFIP related

These groups are categorically eligible. BEM, Item 703, p. 13.

INCOME ELIGIBLE

If the program group does not qualify for one of the categorically eligible groups, determine eligibility for the income eligible group.

Eligibility for this group is based on program group size and non-excluded income received by any member of the program group. (See program group definition in PEM 205).

CDC payments may be provided for income eligible clients who:

- . do not qualify as a member of a categorically eligible group;
- . have a valid need reason;
- . pass the income eligibility test;

- . cooperate with child support requirements (see PEM 255);
and
- . have child(ren) needing care who meet the U.S. citizenship/alien status requirements as described in PEM 225.

Test the program group's countable income against the Child Development and Care Income Eligibility Scale found in PRT 270, page 1. Department Pay Percent (PEM 705) varies depending on program group size and countable income for all program group members.

Eligibility for CDC for income eligible ends when:

- . the requirements are no longer met, or
- . the family has excess income, or
- . the need no longer exists. PEM, Item 703, pp. 14-15.

Claimant does not qualify as any of the categorically eligible groups, and an income determination is required. Review of department's CDC budget and income used in this budget shows that the claimant indeed has excess income for this program.

However, review of department's FAP budget shows that the department did not include claimant's day care expenses no longer paid through the CDC program in this budget. FAP budget must be therefore re-computed by the department.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly determined that the claimant has excess income for the CDC program. Department's CDC action is AFFIRMED.

Department however incorrectly computed claimant's FAP budget as her day care expenses were not included in this budget. Accordingly, department's FAP action is REVERSED. Department shall:

1. Re-compute claimant's FAP budget including her day care expenses effective November 1, 2009.
2. Issue the claimant any FAP supplement she is entitled to as a result of day care expense inclusion, starting with November, 2009 FAP issuance.
3. Notify the claimant in writing of these actions.

SO ORDERED.

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

Date Signed: January 4, 2010

Date Mailed: February 3, 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.

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