

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

IN THE MATTER OF:



Reg. No: 201054498
Issue No: 6019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 27, 2010
Delta County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 hearing was held on October 27, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Child Development and Care (CDC) case for 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 recipient of Child Development and Care (CDC) benefits.
- (2) On August 5, 2010 Claimant submitted income information for re-determination of her benefit eligibility. Claimant submitted a print out of 6 biweekly pay periods during May-July 2010.
- (3) On August 30, 2010 the Department case worker entered the two gross earnings from July and noted that they were identical to the gross earnings from June and the earnings were not unusual. Claimant was sent a Notice of Case Action (DHS-1605) stating her Child Development and Care (CDC) case was closed due to excess income.

- (4) On September 9, 2010 Claimant submitted a timely request for hearing.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In this case Claimant asserts her wages are set too high because she received holiday pay during June and July. When specifically asked Claimant testified that she did not raise the issue of her occasional holiday pay with the Department case worker.

Applying Department policy to Claimant's July pay checks resulted in a projected income of [REDACTED]. The record contains Claimant's income information for 13 months. During that period Claimant's income ranged between [REDACTED] with a midpoint of [REDACTED]. Of the 12 months preceding July 2010 Claimant had income less than [REDACTED] eight months, income more than [REDACTED] three months, and income equal to [REDACTED] one month. Given the variability of Claimant's gross income during the preceding year the Department case worker was not remiss in using the July 2010 gross income.

The evidence also shows that the amount of child support Claimant received increased significantly during 5 months prior to her re-determination. The amount of child support income in Claimant's Child Development and Care (CDC) financial eligibility budget increased from \$148 to \$213 at re-determination.

The CDC income limit for Claimant is [REDACTED]. Because Claimant's gross earnings are so close to the income limit the increase in child support had a significant impact on her eligibility. If Claimant had been receiving the additional \$65 during the preceding year, she would have been over the income limit six of those twelve months.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly closed Claimant's Child Development and Care (CDC) case for excess income.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHeld.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 1, 2010 _____

Date Mailed: November 2, 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.

GFH/vc

cc:

