

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

IN THE MATTER OF:



Reg. No: 201011486

Issue No: 6019

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 25, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 August 25, 2010.

ISSUE

Was the claimant's CDC assistance properly denied 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 applied for CDC benefits.
- (2) Claimant had a gross income of \$400 weekly.
- (3) Claimant has a group size of 2.
- (4) Claimant's CDC application was denied because claimant had gross income in excess of \$1607.
- (5) Claimant requested a hearing on October 14, 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

A standard monthly income amount must be used for each source of income used in a program budget. Stable and fluctuating income that is received more than once a month must be converted to a monthly amount. To take account for fluctuations in the number of pays per month, gross income received in weekly amounts is to be multiplied by 4.3. BEM 505.

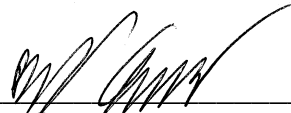
The gross income limit for the CDC program for a group size of 2 is \$1607. RFT 270.

Claimant testified that her gross income was \$400 per week. \$400 multiplied by 4.3 is \$1720. \$1720 is in excess of the gross income limit for the CDC program for a group size of 2. Therefore, claimant was properly denied CDC benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to deny claimant's CDC application was correct.

Accordingly, the Department's decision in the above stated matter is, hereby,
AFFIRMED.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/07/10

Date Mailed: 09/08/10

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.

RJC/dj

cc:

