

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: 2010-12306

Issue No: 3002, 6019

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 4, 2010

Genesee 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 November 2, 2009. After due notice, a telephone hearing was held on Wednesday, August 4, 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 as a group of three on August 12, 2009.
- (2) The Claimant receives monthly child support payments in the gross monthly amount of [REDACTED]. Department Exhibit 25.

(3) The Claimant receives monthly earned income in the gross monthly amount of [REDACTED]. Department exhibit 30 – 31.

(3) On October 2, 2009, the Department completed a CDC budget and determined that the Claimant was not eligible for CDC benefits.

(4) On November 2, 2009, the Department received the Claimant's request for a hearing, 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).

For CDC purposes, 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 before 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.

The Department completed a CDC budget on October 2, 2009. The Claimant receives monthly child support payments in the gross monthly amount of [REDACTED], which was determined by taking the average of child support payments received in the previous three months. The Claimant receives monthly earned income in the gross monthly amount of [REDACTED], which is determined by multiplying her average bi-weekly income from her employment by a conversion factor of 2.15. The Claimant did not dispute the income used by the Department to determine eligibility.

The Claimant receives a total countable monthly income of [REDACTED]. The income eligibility limit for CDC benefits as a group of three is [REDACTED]. Since the Claimant's monthly income exceeds the income eligibility limit, she is not eligible for CDC benefits.

The Department has established that it acted in accordance with policy when it denied the Claimant's application for CDC benefits due to 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: August 13, 2010

Date Mailed: August 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:

