

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.: 201023290

Issue No.: 6019, 5016

Case No.:

Load No.:

Hearing Date:

May 19, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on May 19, 2010. The Claimant appeared and testified. [REDACTED], FIM and [REDACTED], ES appeared on behalf of the Department.

ISSUE

Was the Department correct in closing Claimant's Child Day Care benefits for excess income in determining Claimant's eligibility for State Emergency Relief?

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 on-going recipient of Child Day Care benefits.
- (2) Claimant applied for State Emergency Relief on January 22, 2010.
- (3) Claimant's application for State Emergency Relief was denied because there was no longer an emergency.

- (4) Claimant's CDC benefits were closed on January 25, 2010 due to excess income.
- (5) The Department determined that Claimant had monthly employment income of \$1635.
- (6) Claimant's increase in income was due to holiday pay and overtime and was not expected to continue.
- (7) Claimant requested hearing on February 11, 2010 contesting the closure of CDC benefits and denial of State Emergency Relief.
- (8) Claimant testified at hearing that she was satisfied with the actions taken by the Department with regard to her Food Assistance.

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 contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM). Temporary Ineligibility Case closure is **not** required for CDC if all of the following conditions exist: • Ineligibility will exist for only two consecutive CDC pay periods because the conditions resulting in excess income are not expected to recur in the following month, and • The group is currently active for CDC, and • The group exceeded the department pay percent income eligibility scale in [RFT 270](#). Suspend benefits by ending the CDC authorizations on Bridges for the pay period following the timely notice period.

Ineligibility exists for a minimum of two pay periods. The group remains active and does **not** have to reapply for CDC. Temporary ineligibility is limited to two pay periods. Close the case if the group is ineligible after the two pay period suspension period is over, allowing timely notice for closure. BEM 525

The State Emergency Relief (“SER”) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.* and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. The Department of Human Services’ [formally known as the Family Independence Agency] policies are found in the State Emergency Relief Manual (“ERM”).


State Emergency Relief (“SER”) prevents serious harm to individuals and families by assisting applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101, p. 1. In order to receive benefits for relocation services applicant’s must show they are homeless or potentially homeless. ERM 303

In the present case, Claimant had an increase in employment income in December 2009 and January 2010 due to holiday pay and overtime. This increase in income was not expected to continue for more than 2 pay periods. Therefore closure of child day care benefits for excess income was incorrect and improper. BEM 525

In the present case, Claimant applied for state emergency relief seeking assistance with outstanding rent. When the Department contacted Claimant’s landlord, Claimant had caught up her rent and was no longer behind. Since Claimant was no longer homeless or potentially homeless it was correct to deny Claimant’s application for State Emergency Relief. ERM 303

DECISION AND ORDER

This Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department was incorrect in the closure of Claimant's CDC benefits, and it is ORDERED that the Department's decision is hereby REVERSED. Claimant's CDC benefits shall be reinstated as of the date of closure. This Administrative Law Judge, based upon the above findings of fact and conclusions of law, further decides that the Department was correct in the denial of State Emergency Relief benefits, and it is ORDERED that the Department's decision is hereby AFFIRMED.

/s/ 

Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 9, 2010

Date Mailed: June 9, 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.

AM/htw

cc:

