

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201023851
Issue No: 6019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 21, 2010
Muskegon 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 January 7, 2010. After due notice, a telephone hearing was held on Tuesday, September 21, 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 received CDC benefits until January 27, 2009. Department Exhibit 1.
2. The Claimant was receiving short-term disability and her employment stopped on January 27, 2009. The Department stopped issuing CDC benefits on behalf of the Claimant after January 27, 2009, because the Claimant did not have a need. Department Exhibit 1.
3. The Claimant returned to work on May 16, 2009, and this employment continued until November 7, 2009. Department Exhibits 2 – 3.

4. The Department received the Claimant's request for a hearing on January 7, 2010, protesting the Department's failure to issue CDC benefits during the time she was working.

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 M AC 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).

Clients must report changes in circumstance that potentially affect eligibility or benefit amount within 10 days of receiving the first payment reflecting the change. BAM 105 . Income reporting requirements are limited to the following:

Earned income:

- Starting or stopping employment.
- Changing employers.
- Change in rate of pay.
- Change in work hours of more than five hours per week that is expected to continue for more than one month.

Unearned income:

- Starting or stopping a source of unearned income.
- Change in gross monthly income of more than \$50 since the last reported change.

Other changes:

- Persons in the home.
- Marital status.
- Address and shelter cost changes that result from the move.
- Vehicles.

- Assets.
- Child support expenses paid.
- Health or hospital coverage and premiums
- Day care needs or providers. BAM 105

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. BEM 703. Each parent/substitute parent of the child needing care must have a valid need reason during the time child care is requested. BEM 703. Each need reason must be verified and exists only when each parent/substitute parent is unavailable to provide the care because of:

- Family preservation.
- High school completion.
- An approved activity.
- Employment. BEM 703.

The Claimant was receiving CDC benefits until January 27, 2009, when she stopped working and began collecting short-term disability. The Department stopped issuing CDC benefits on behalf of the Claimant after January 27, 2009, because the Claimant did not have a verified need for day care.

The Claimant's short-term disability period ended and she returned to work on May 16, 2009. The Claimant notified the Department that she had returned to work, which continued until November 7, 2009. The Claimant's employment was used to determine her eligibility for the Family Independence Program (FIP) and the Food Assistance Program (FAP), but the Claimant did not inform the Department of a need for day care or reapply for CDC benefits until December 29, 2009. The Claimant did not notify the Department that she had a need for day care after she returned to work on May 16, 2009. Although the Claimant's day care needs after May 16, 2009, may have been the same as they were before January 27, 2009, the Department had no basis for reaching this determination.

The Claimant had a duty to report day care needs within 10 days of her change in circumstances. Because the Claimant failed to report circumstances affecting her eligibility to receive benefits, the Department has established that she was not eligible for CDC benefits from May 16, 2009, through November 7, 2009.

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: October 11, 2010

Date Mailed: October 12, 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/alc

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