

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.: 2010-26473
Issue No.: 6019
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
May 26, 2010
Oakland County DHS (4)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 telephone hearing was conducted from Detroit, Michigan on May 26, 2010. Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Manager, appeared and testified.

ISSUE

Whether DHS properly terminated Claimant's Child Development and Care benefits due to 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 Child Development and Care (CDC) benefits recipient.
2. DHS redetermined Claimant's CDC benefits in 2/2010.
3. Claimant was part of a CDC benefits group of 2 persons.

4. Claimant's received biweekly gross employment income of \$885.50 on 2/19/10 and \$907.50 on 2/5/10. Exhibit 3.
5. The gross income limit for a CDC group of 2 is \$1,607.
6. DHS terminated Claimant's CDC benefits effective 2/28/10 due to Claimant's income exceeding the gross income limits for CDC benefits.
7. Claimant submitted a hearing request on 3/2/10 regarding termination of CDC benefits.

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 found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

DHS verified that Claimant received employment income of \$885.50 on 2/19/10 and \$907.50 on 2/5/10. The combined income is \$1,793. For stable and fluctuating income, DHS is to take the biweekly average income and multiply it by 2.15 to convert the income to cover a full month of gross budgetable income. In the present case, Claimant's gross budgetable income is calculated to be \$1,927.

DHS calculated Claimant's gross budgetable income to be \$2,042. DHS may have averaged Claimant's income over a different period of time than the 30 day period containing

Claimant's 2/2010 pays. Claimant's eligibility will be considered using the \$1,927 figure as no evidence was presented to justify using an income period longer than 30 days.

The gross income limit for CDC eligibility for a group of two persons is \$1,607. RFT 270. Claimant's gross monthly income is \$1,927 and exceeds the income limits of CDC eligibility.

█ smartly reminded the undersigned that Claimant has some consolation in the loss of CDC, an increase in the amount of Food Assistance Program (FAP) benefits due to Claimant's increased out-of-pocket CDC expenses. Claimant may also reapply for CDC benefits at any time to have her eligibility reconsidered.

DECISION AND ORDER

The actions taken by DHS are AFFIRMED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's CDC benefits due to excess income.



Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 06/08/2010

Date Mailed: 06/08/2010

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.

CG/cp

cc:

