

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

IN THE MATTER OF:

[REDACTED]

[REDACTED]

ADMINISTRATIVE LAW JUDGE: [REDACTED]

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 received on [REDACTED]. After due notice, a telephone hearing was held on [REDACTED]. Claimant personally appeared and provided testimony.

ISSUES

Whether the department properly determined Claimant's Child Care and Development (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. Claimant applied for CDC on [REDACTED]
2. Claimant's group size is 2.
3. On [REDACTED], the department mailed Claimant a Notice of Case Action informing her she had been denied CDC as of [REDACTED] because she had excess income. (Department Exhibits 3-5).
4. Claimant submitted a hearing request on [REDACTED], protesting the denial of CDC benefits. (Request for a Hearing).

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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).

The department based their denial of CDC benefits for Claimant on a gross monthly income amount of [REDACTED]. The department calculated Claimant's unearned income of [REDACTED] based on her receipt of unemployment compensation benefits and [REDACTED] in earned income. The CDC income eligibility limit for a group of three is [REDACTED] 0. RFT 270. Because Claimant's monthly income of [REDACTED] is above the eligibility limit of [REDACTED] Claimant is not eligible for CDC benefits.

While it is noted that the Administrative Law Judge was unable to replicate the department's figures, each time finding Claimant's gross income to be significantly higher based on the pay stubs and unemployment compensation benefits, Claimant testified that she did not dispute the amounts used in determining her CDC eligibility. Therefore, the Administrative Law Judge finds, based on the material and substantial evidence presented during the hearing, that the department properly determined Claimant's CDC eligibility.

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 Claimant's CDC eligibility.

Accordingly, the department's CDC eligibility is AFFIRMED.

It is SO ORDERED.

/s/

[Redacted signature]

Date Signed: [Redacted]

Date Mailed: [Redacted]

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 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.

[Redacted text]