

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-33597
Issue No.: 6019
Case No.: [REDACTED]
Hearing Date: July 6, 2011
DHS County: Wayne (82-43)

ADMINISTRATIVE LAW JUDGE: Andrea J. Bradley

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon the Claimant's request for a hearing made pursuant to Michigan Compiled Laws 400.9 and Michigan Compiled Laws 400.37, which govern the administrative hearing and appeal process. After due notice, a telephone hearing was conducted from Detroit, MI, on July 6, 2011. The Claimant appeared and testified. [REDACTED], appeared and testified on behalf of the Department of Human Services (Department).

ISSUE

Whether DHS properly terminated Claimant's case for Child Development and Care (CDC) benefits.

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On April 19, 2011, the Department completed a redetermination to verify the Claimant's continued eligibility for CDC benefits.
2. The Claimant's group size is five.
3. At redetermination, the Department considered the Claimant's income from her employer in the amount of \$2,486.60 and adult home health care income in the amount of \$698.30 and found her ineligible for CDC benefits based on excess income.
4. The Claimant is employed full-time.

5. At the time of redetermination, the Claimant received income in her name for adult home health care services for her mother.
6. On April 19, 2011, the Department notified the Claimant of the termination of her CDC benefits due to income ineligibility.
7. On May 11, 2011, the Department received the Claimant's timely written request for hearing.

CONCLUSIONS OF LAW

The CDC 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 (formerly known as the Family Independence Agency) provides services to adults and children pursuant to MCL 400.14(1) and Michigan Administrative Code Rules R 400.5001-5015. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Table Manual (RFT).

A group's financial eligibility and monthly benefit amount are determined using actual income and prospected income amounts. BEM 505, p. 1. The Department must complete a budget when there is an income increase that will result in the termination of a Claimant's CDC benefits. BEM 505, p. 10. The Department must determine budgetable income using countable, available income for the benefit month being processed. BEM 505, p. 2. Available income is defined as income that is actually received or reasonably anticipated. BEM 505, p. 1.

The claimant will be deemed financially eligible for CDC benefits if the group's gross income falls within the established income scale. RFT 270, p. 1. The gross monthly income scale for a group size of five is \$2,682 - \$2,746. RFT 270, p.1.

In this case, the Department completed a budget at redetermination and found that an increase in income rendered the Claimant ineligible for CDC benefits, because Claimant's gross monthly income exceeded the income scale. Specifically the Department found that the Claimant's gross income from her employer and for the adult home health care totaled \$3,184.00, which exceeds the \$2,746.00 income limit for a group size of five. The Claimant testified that, at the time of redetermination, she was employed and agreed with the monthly income amount that the Department used when calculating the budget for CDC benefits. Further, the Claimant testified that, at the time of redetermination, she was receiving checks for adult home health care. The Claimant

explained that, although she received the checks for adult home health care, she did not retain that income because other family members were responsible for performing the adult home health care. To that end, the Claimant testified that she would distribute the income received for adult home health care to the person or persons who acted as a caretaker during that income period.


Based on the testimony and evidence in the record, the undersigned finds that there is no dispute that the income from the adult home health care is sent directly to the Claimant and the checks are in her name. Further, there is no dispute that the Claimant had a legal right to negotiate the checks because they were sent in her name, despite the fact that she was not providing the caretaking services. Under these facts, at the time of redetermination, the income from the Claimant's employer as well as the income for the adult home health care had to be considered as countable and available income by the Department. Ultimately, the Department established that it acted in accordance with Department policy when it terminated the Claimant's CDC benefits. Accordingly, the Department's determination is affirmed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department established it acted in accordance with Department policy when it terminated the Claimant's CDC benefits.

It is ORDERED:

The Department's CDC determination is AFFIRMED.



Andrea J. Bradley
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 13, 2011

Date Mailed: July 14, 2011

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

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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.

AJB/pf

cc:

