

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 2011-34768
Issue No. 6019
Case No. [REDACTED]
Hearing Date: July 14, 2011
Wayne County DHS (57)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 conducted from Detroit, Michigan on Thursday, July 14, 2011. The Claimant appeared and testified. [REDACTED] and [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly terminated the Claimant's Child Development & Care ("CDC") benefits effective May 22, 2011?

FINDINGS OF FACT

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

1. The Claimant was a CDC recipient.
2. At redetermination, the Claimant received \$438.32/week in earned income and \$198.00/month in Social Security Income ("SSI").
3. For the months of January through April, the Claimant received \$510.04, \$254.82, \$510.04, and \$382.23, respectively, in child support payments.
4. The Claimant's group size is 4.

5. As a result of the Claimant's income, the Claimant was found no longer eligible for CDC benefits.
6. The Department notified the Claimant of the CDC termination.
7. On May 13, 2011, the Department received the Claimant's timely written request for hearing.

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 Bridges Reference Manual ("RFT").

The goal of 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 families. BEM 703. DHS may provide payment for child care services for qualifying families when the parent(s)/substitute parent(s) is unavailable to provide the child care because of employment, education, and/or because of a health/social condition for which treatment is being received and care is provided by an eligible provider. BEM 703. The income eligibility limit for a group size of 4 for CDC benefits is \$2,367.00. RFT 270.

In this case, the Claimant did not dispute the income figures used in determining continued CDC eligibility. The Claimant did, however, disagree with the inability of her provider to bill for the period prior to the May 22nd closure. The Department agreed that the provider should be able to bill for that period and anything to the contrary was incorrect. The Claimant was instructed to have the provider bill for the period prior to the closure date. In turn, the Department agreed to process accordingly. In light of the accord, there was no further issue to address.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds the Department's termination of CDC benefits effective May 22, 2011 is

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upheld. It is further found, that the provider's inability to bill for payment prior to the closure date is not upheld.

Accordingly, it is ORDERED:

1. The Department's determination of CDC ineligibility effective May 22, 2011 is AFFIRMED.
2. The inability for the provider to bill due to a closed case for the period prior to closure is not upheld.
3. The Department shall, as agreed, activate CDC coverage prior to the May 22nd closure date to allow for provider billing.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: July 19, 2011

Date Mailed: July 19, 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 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.

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cc:

[REDACTED]