

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

IN THE MATTER OF:



Reg. No.: 201135531
Issue No.: 6019
Case No.: [REDACTED]
Hearing Date: JULY 20, 2011
Macomb County DHS
District 12

ADMINISTRATIVE LAW JUDGE: Yasmin J. Elias

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 July 20, 2011. The claimant appeared and testified. [REDACTED] appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether the Department correctly redetermined the Claimant's eligibility for Child Development and Care (CDC) benefits as of January 30, 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 benefit recipient prior to January 30, 2011.
2. The Claimant's group size is five.
3. The DHS conducted a redetermination in January 2011 to verify the Claimant's continued eligibility for CDC benefits.
4. As of January 2011, the Claimant's total countable income was \$2909.87, including earned income in the amount of \$2397, and child support in the amount of \$512.87.

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5. As of January 2011, the income eligibility limit for CDC benefits for a family with a group size of 5 was \$2746.
6. The Claimant's CDC benefits were cancelled effective January 30, 2011 due to the Claimant having excess income.
7. On January 21, 2011, the Claimant requested a hearing regarding the redetermination.

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 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 Bridges Reference Manual (BRM).

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. For income eligible CDC determination, the income of all program group members is considered. BEM 525. Child support is income to the child for whom the support is paid. BEM 503 at p. 5.

The gross (before deductions) income is used to determine the percentage of care that the Department will pay towards the group's child care costs. BEM 525. The Department must consider the gross benefit amount before any deduction, unless Department policy states otherwise. BEM 500. The Department will not contribute to child care when the gross monthly income for a group size of 5 is over \$2746.00. RFT 270.

In this case, the Department calculated the Claimant's income by reviewing the pay stubs provided by the Claimant as well as the verification of court-ordered direct child support paid to the Claimant. In doing so, the Department concluded that the Claimant's total countable income of \$2909.87 exceeded the CDC income eligibility limit for a group size of 5, which is \$2746.00. Consequently, the Claimant's CDC benefits were terminated effective January 30, 2011.

The Claimant did not dispute the figures cited by the Department, but rather contended that her income was higher during the month that was reviewed due to holiday or end of the year payments, and that it was expected to decrease in the weeks or months following the period under review. The Claimant is correct when she points out that her eligibility for CDC benefits might change in the event of changes to her group's income. While the Claimant's assertion may be accurate, this hearing decision can only address the narrow issue presented in the Claimant's hearing request. Thus, this hearing decision can only address the question of whether or not the Department properly redetermined the Claimant's eligibility for CDC benefits based on her household income during the period of review, the month of January 2011.

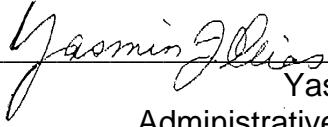
Ultimately, the Department established that it acted in accordance with department policy when it calculated the Claimant's eligibility for CDC benefits during the month of January 2011. Accordingly, the Department's redetermination is affirmed.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds that the Department established it acted in accordance with Department policy when it calculated the Claimant's MA deductible.

It is ORDERED:

The Department's redetermination as the Claimant's ineligibility for CDC benefits effective January 30, 2011, is AFFIRMED.



Yasmin J. Elias
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: July 22, 2011

Date Mailed: July 22, 2011

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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.

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