

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

IN THE MATTER OF:



Reg No: 20113767

Issue No: 6019

Case No: [REDACTED]

Hearing Date:

January 6, 2011

Wayne County DHS-17

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 held on January 6, 2011. The Claimant appeared and testified. Lori Williams FIM and Harriet Lowe ES appeared on behalf of the Department.

ISSUE

Was the Department correct in closing Claimant's CDC 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 a recipient of CDC benefits.
2. Claimant's CDC benefit was closed on October 11, 2010 due to excess income.
3. Claimant has gross employment income of \$2371 per month.

4. Claimant requested a hearing on October 15, 2010, regarding the closure of her Child Day Care 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 contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In the present case, Claimant earns \$2371 monthly in employment income. Claimant's income was calculated using pay stubs she provided to the Department. Irregular overtime income was not used in determining Claimant's income. Claimant earns \$13.79, multiplying that by 40 hours and 4.3 weeks pursuant to Department policy results with \$2371. BEM 505

The income limit for a 3 person household is \$1900. RFT 270 Therefore, the Department was correct to close Claimant's case due excess income.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department properly closed Claimant's child day

care benefits, and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.



Aaron McClintic
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 01/19/11

Date Mailed: 01/24/11

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.

AM/dj

cc:

