

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-8988
Issue No.: 6019
Case No.: [REDACTED]
Hearing Date: February 3, 2011
Oakland County DHS (04)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 February 3, 2011. The claimant appeared and testified; [REDACTED] also appeared and testified on behalf of Claimant. On behalf of Department of Human Services (DHS), [REDACTED], Manager, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's application dated 9/14/10 requesting 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. Claimant applied for CDC benefits on 9/14/10.
2. DHS calculated Claimant's income-eligibility for CDC benefits by relying on outdated income information.
3. On 10/27/10, based on the outdated income information, DHS denied Claimant's application for CDC benefits on the basis that Claimant had excess income for CDC benefit eligibility.
4. On 11/24/10, Claimant requested a hearing disputing the denial of CDC benefits.

5. During the administrative hearing, DHS acknowledged that an improper income information was used to determine Claimant's CDC benefit eligibility and that Claimant's application should be reprocessed.

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 found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

For all programs, DHS is to use past income to prospect income for the future unless changes are expected. BEM 505 at 4. Specifically, DHS is to use income from the past 30 days if it appears to accurately reflect what is expected to be received in the benefit month. *Id.*

In the present case, DHS used income from an unspecified previous period to prospect income concerning Claimant's CDC benefit application dated 9/14/10. DHS acknowledged that they failed to attempt to verify Claimant's income from the 30 days prior to 9/14/10. DHS stated that their failure to do so was improper. DHS proposed that Claimant's CDC benefit application should be reconsidered. Claimant agreed to the suggested DHS proposal. As the resolution appears to comply with DHS regulations, the undersigned is inclined to accept the agreement made between DHS and Claimant.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact, conclusions of law and by agreement of the parties, finds that DHS improperly calculated Claimant's income in determining Claimant's eligibility for CDC benefits. It is ordered that DHS reinstate Claimant's application dated 9/14/10 and that DHS reprocess the application in accordance with DHS regulations. The actions taken by DHS are REVERSED.



Christian Gardocki
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 2/9/2011

20118988/CG

Date Mailed: 2/9/2011

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.

CG/jlg

cc:

A large black rectangular redaction box covers the names and email addresses of the recipients listed under the 'cc:' field.