

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201270470
Issue No: 3019, 6021
Case No: [REDACTED]
Hearing Date: September 20, 2012
Grand Traverse County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on September 20, 2012. Claimant personally appeared and provided testimony.

ISSUES

1. Whether the department properly reduced the claimant's Food Assistance Program (FAP) benefits?
2. Whether the department properly determined the claimant's need for Child Development and Care (CDC) benefits?

FINDINGS OF FACT

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

1. The claimant was a recipient of Child Development and Care (CDC) and Food Assistance Program (FAP) benefits.
2. On July 31, 2012, the claimant reported new income to the department by phone call which was subsequently entered into bridges. (Department Hearing Summary).
3. The claimant's FAP benefits were reduced effective August 1, 2012 due to the increase in income. (Department Hearing Summary).
4. There was no negative action period given to the claimant.

5. The claimant was authorized for 60 hours of CDC benefits biweekly. (Department Exhibit 1 page 5).
6. On August 6, 2012, the claimant filed a hearing request protesting the date her FASP benefits were reduced and the amount of hours she is authorized for CDC benefits.

CONCLUSIONS OF LAW

As a preliminary matter, the department representative testified that the claimant's FAP benefits should have not been reduced effective August 1, 2012 as this provided no negative action time to the claimant. The department representative testified that a ticket had already been submitted to supplement the claimant's August 2012 FAP benefits (see Department Exhibit 2). The claimant testified that this course of action satisfied her need for a hearing and agreed that the course of action was proper. Accordingly, as the claimant is no longer aggrieved by a department action with respect to her FAP benefits, the portion of the claimant's hearing request pertaining to her FAP benefits is hereby DISMISSED.

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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 (DHS or Department) 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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

In determining the benefits allotment for CDC benefits, policy states as follows:

DETERMINING NEED

Determine the valid need hours for each parent/substitute parent (P/SP) at application, redetermination, and when a change in work or activity hours is reported. Bridges will determine the authorization based on the actual need hours entered. Calculate the actual need hours considering:

- Time spent in the activity. See BEM 703 to determine if a particular activity may be approved.
- Meal periods during the work day.
- Study and required lab time.

Round the biweekly figure up to the next whole hour if it includes a fraction and enter the calculated figure into Bridges. Bridges will adjust and authorize to the correct:

- 20 hours.
- 40 hours.
- 60 hours.
- 80 hours. BEM 710, page 1 (January 1, 2012).

Additionally, BEM 703 states:

NEED

There are four valid CDC need reasons. Each parent/substitute parent of the child needing care must have a valid need reason during the time child care is requested. Each need reason must be verified and exists only when each parent/substitute parent is unavailable to provide the care because of:

1. Family preservation.
2. High school completion.
3. An approved activity.
4. Employment.

Tools to Verify Need Based on Employment

Use one of the following as tools to verify the **need** for CDC based on **employment**:

- A copy of a work schedule indicating the number of hours worked.
- Pay stubs indicating number of work hours.
- **DHS-38**, Verification of Employment, completed by the employer.
- TALX/Work Number and MIS (Management Information System) may be used for starting income.
- **DHS-3569**, Agricultural Worker Income Verification, completed by the employer.
- **Signed statement** by the employer that contains:
 - Employment begin date.
 - Number of hours client works.
 - For income eligible clients, dates and amounts of client's paychecks for the requested period.

- **Collateral contact** with the employer **if** the employer refuses or is unable to complete the DHS-38, DHS-3569, or a signed statement, **or**, if the client is unable to obtain his/her work schedule from the employer or the pay stubs do not indicate number of work hours. Complete the DHS-38 or DHS-3569 based on the information obtained from this contact.

When to Verify Need

Verification of need must be obtained:

- At application.
- When there is a change in employers.
- At least once every 12 months.
- When the six month limit expires for self-employment or commission sales cases opened with zero income. BEM 703, pages 3 &10 (April 1, 2012).

In the case at hand, the claimant submitted pay stubs to the department showing biweekly hours of 55.47 and 53.43 respectively (see Department Exhibit 4). Based on the pay stubs submitted by the claimant, the department rounded up the need hours to 60 as per the above mentioned policy. Based on the information presented to the department regarding the claimant's work hours, this Administrative Law Judge determines that the department properly determined the claimant's need for CDC benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that that the department did properly determine the claimant's need for CDC benefits.

Accordingly, the department's actions are **AFFIRMED**. It is SO ORDERED.

/s/

Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: September 27, 2012

Date Mailed: September 27, 2012

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 60 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.

CSS/cr

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