

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201315008
Issue No.: 6019
Case No.: [REDACTED]
Hearing Date: April 18, 2013
County: Ingham County DHS

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on April 18, 2013, from Lansing, Michigan. Claimant personally appeared and provided testimony. Participants on behalf of Department of Human Services (Department) included [REDACTED] (Eligibility Specialist).

ISSUE

Did the Department properly close Claimant's Child Development and Care (CDC) case due to excess income?

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 was active for CDC.
2. At the time Claimant was active for CDC, she worked at Lansing Community College.
3. On October 23, 2012, Claimant applied for State Emergency Relief (SER) and indicated on her application that she had started a second job (part-time) at Younkers on October 10, 2012.
4. On the SER application, Claimant also indicated that she had two children: [REDACTED] 14 years old with a date of birth (d.o.b.) [REDACTED] and [REDACTED] age 3, d.o.b. [REDACTED].

5. The Department budgeted the additional income from Claimant's new part-time employment.
6. On November 2, 2012, the Department mailed Claimant a Notice of Case Action (DHS-1605) which closed Claimant's CDC case for E.Y.L. due to ineligibility and J.M.T. due to excess income effective October 20, 2012.
7. Claimant requested a hearing on November 19, 2012 challenging the CDC closure based on excess income.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Child Development and Care (CDC) 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 provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001 through R 400.5015.

Eligibility for CDC services exists when the department has established all of the following: (1) there is a signed application requesting CDC services; (2) each parent/substitute parent in BEM 703 is a member of a valid eligibility group; (3) each parent/substitute parent (P/SP) meets the need criteria as outlined in BEM 703; (4) an eligible provider is providing the care; (5) all eligibility requirements are met. BEM 703.

The child(ren) needing child care services must be: (1) under age 13; (2) age 13, but under age 18 but requires constant care due to a physical/mental/psychological condition or supervision has been ordered by the court. BEM 703. Eligible children who turn age 13 during a CDC pay period are eligible through the end of that pay period. BEM 703.

CDC may be provided for income-eligible clients who:

- Do not qualify as a member of a categorically eligible group.
- Have a valid need reason.
- Pass the income eligibility test.
- Cooperate with child support requirements; see BEM 255.
- Have child(ren) needing care who meet the U.S. citizenship/alien status requirements as described in BEM 225.

The Department will test the program group's countable income against the Child Development and Care Income Eligibility Scale found in RFT 270, page 1. The Department Pay Percent (BEM 706) varies depending on program group size and countable income for all program group members. BEM 703.

CDC program groups in the income eligible group must have gross income that falls within the income scale below to be eligible for subsidy benefits. RFT 270.

Eligibility for CDC for income-eligible ends the **earliest** of the following: (1) the requirements are no longer met; (2) the family has excess income; (3) the need no longer exists. BEM 703.

In the instant matter, Claimant initially requested a hearing because she disputed the Department's decision to close her CDC benefits for both of her children. The Department contends that the CDC closure for both children was proper and was within policy guidelines. According to the Department, Claimant's 14 year old child was not eligible due to age under BEM 703 and the additional income from Claimant's second job at Younkers brought Claimant above the income limit for CDC eligibility. During the hearing, however, Claimant did not wish to challenge the Department's calculations. Rather, Claimant believed that she should have been eligible for CDC payments for October 22, 2012 through November 2, 2012.

A review of this case reveals that the Department was correct when it closed Claimant's CDC for both children. First, the Department properly closed CDC for [REDACTED] as she was no longer eligible after reaching 13 years of age. BEM 703 further provides that a child who is age 13, but under age 18 may be eligible if the child requires constant care due to a physical/mental/psychological condition or supervision has been ordered by the court. There was no evidence in the record that [REDACTED], who was age 14 at the time, fell within any of the exceptions. Second, the Department's CDC calculations were not disputed and Claimant's new monthly gross income (earned income from LCC and Younkers plus child support income) was \$1,993.21 with a group size of 3. According to RFT 270, the gross income limit for CDC eligibility is \$1,990.00. Because Claimant's gross income exceeded the income limits for a group size of 3, Claimant was not eligible for CDC.

Although Claimant did not request a hearing concerning the Food Assistance Program (FAP), a review of this case reveals that the Department properly reduced Claimant's monthly FAP due to excess income.

Based upon the above Findings of Fact and Conclusions of Law, the Administrative Law Judge concludes that the Department properly closed Claimant's CDC case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department did act properly.

Accordingly, the Department's CDC decision is **AFFIRMED**.

IT IS SO ORDERED.

/s/ _____
C. Adam Purnell
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 22, 2013

Date Mailed: April 23, 2013

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

201315008/CAP

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CAP/aca

cc:

