

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 2013-69414
Issue Nos.: 6001, 7000
Case No.: ██████████
Hearing Date: December 12, 2013
County: Oakland (63-02)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on December 12, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████ ██████████
██████████

ISSUE

Did the Department properly deny Claimant's application for 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. On August 17, 2013, Claimant applied for CDC.
2. Claimant's CDC group consists of Claimant and her child.
3. On August 30, 2013, the Department sent Claimant a Notice of Case Action notifying her that her CDC application was denied because her gross income exceeded the applicable CDC limit for eligibility.
4. On September 10, 2013, Claimant filed a request for hearing disputing the Department's actions concerning the CDC and Direct Support Services (DSS) application.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

Additionally, although Claimant requested a hearing concerning both her CDC and DSS application, at the hearing, Claimant testified that she was approved for the DSS assistance for car repair she requested and wished to withdraw her hearing request with respect to the DSS matter. Accordingly, Claimant's hearing request concerning DSS is dismissed. The hearing proceeded to address the denial of Claimant's CDC application.

The Department denied Claimant's CDC application because her income exceeded the income limit under the CDC program. Groups who are not categorically eligible for CDC benefits (based on protective services, foster care or FIP/EFIP-related issues in their cases) may be eligible for CDC if they pass the income eligibility test. BEM 703 (July 2013), pp. 14-16. Claimant's CDC case contained two members: Claimant and her minor child. BEM 205 (July 2013), p. 1. The CDC income limit for a two-member CDC group is \$1,607. RFT 270 (October 2011), p. 1.

During the hearing, the Department produced Claimant's CDC budget that showed Claimant's household's gross income of \$2,078. The determination of a client's income eligibility for CDC benefits requires consideration of the client's gross monthly income. BEM 525 (July 2013), p. 1. The Department testified that, in calculating Claimant's gross monthly income, it relied on a letter from Claimant's new employer that indicated that Claimant's rate was \$12 per hour for 40 hours weekly. Claimant confirmed this information on the record. Based on this information, Claimant's gross weekly pay was \$480. To determine a standard monthly income amount, Claimant's weekly pay must be multiplied by 4.3 in accordance with Department policy. See BEM 505 (July 2013), pp. 7-8. This results in Claimant having gross monthly earned income of \$2,064. While this is slightly less than the \$2,078 calculated by the Department in the CDC budget, because Claimant's gross monthly income of \$2,064 exceeds the applicable \$1,607 CDC income limit, the Department acted in accordance with Department policy when it denied Claimant's CDC application because of excess income.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied Claimant's CDC application.

DECISION AND ORDER

Based on Claimant's withdrawal of her hearing request concerning DSS, the DSS matter is DISMISSED.

The Department's CDC decision is AFFIRMED.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: December 17, 2013

Date Mailed: December 17, 2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

2013-69414/ACE

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

ACE/pf

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]