

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

IN THE MATTER OF:

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████████████████████
████████████████████

Reg. No.: 14-017931
Issue No.: 6006
Case No.: ██████████
Hearing Date: March 30, 2015
County: Genesee-District 6 (Clio Rd)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

Upon a hearing request by Respondent challenging an overissuance (OI) of Department of Human Services (Department) benefits, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 400.43a, and 24.201, *et seq.*, and Mich Admin Code, R 400.941, and in accordance with 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 March 30, 2015, from Detroit, Michigan. Participants on behalf of the Department included ██████████, Recoupment Specialist. Participants on behalf of Respondent included Respondent.

ISSUE

Did Respondent receive an OI 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. Respondent was a recipient of CDC benefits from the Department.
2. On November 24, 2014, the Department sent Respondent a Notice of Overissuance alleging that she received an OI of CDC benefits totaling \$6325.87 for the period from April 21, 2013, to November 11, 2014, due to the Department's error.
3. On December 8, 2014, Respondent filed a request for hearing disputing the Department's actions.

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), and Department of Human Services Reference Tables Manual (RFT).

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.

The Department alleges that, from April 21, 2013, to January 11, 2014, Respondent was ineligible for CDC benefits because the group's gross income exceeded the income limit applicable to the group size. Consequently, the Department seeks to recoup, or collect from Respondent, the total of all CDC benefits issued to her during this period. The Department acknowledges that Respondent properly reported all income and the error in calculating the group's CDC gross income eligibility was its own.

Respondent applied for CDC benefits on March 11, 2013. At that time, she reported her husband's income and included three biweekly paystubs.

Respondent confirmed that, during the period at issue, there were five members in her household: her, her husband and their three minor children. Therefore, Respondent's CDC group size is five. BEM 205 (July 2013), pp. 1-2. For a CDC group of five, the gross income limit for CDC eligibility is \$2746. BEM 703 (July 2013), pp. 16-17; RFT 270 (October 2011 and December 2013), p. 1.

The Department established, and Respondent agreed, that Respondent's husband received biweekly pay based on 80 hours worked per biweekly pay period at \$21.53 per hour. Based on this payment standard, Respondent's husband's gross monthly income was \$3,444.80. Because Respondent's group's gross income, based only on Respondent's husband's income, exceeded the applicable \$2746 CDC income limit for a CDC five-person group, Respondent was ineligible for CDC for April 21, 2013 to January 11, 2014. The Department provided a benefit summary inquiry showing that during this period, CDC benefits totaling \$6325.87. Because Respondent was not eligible for any CDC benefits, the Department has established a CDC OI of \$6325.87.

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department established a CDC benefit OI to Respondent totaling \$6325.87.

DECISION AND ORDER

Accordingly, the Department is AFFIRMED.

The Department is ORDERED to initiate collection procedures for a \$6325.87 OI in accordance with Department policy.



Alice C. Elkin
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **4/15/2015**

Date Mailed: **4/15/2015**

ACE / tlf

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

