



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: [REDACTED]
MAHS Docket No.: 16-006783
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

Following Petitioner'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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on June 23, 2016, from Detroit, Michigan. Petitioner's spouse, [REDACTED], appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], hearing facilitator. [REDACTED] of the Arab-American Chaldean Council appeared as an Arabic translator for Petitioner.

ISSUE

The issue is whether MDHHS properly denied Petitioner's Child Development and Care (CDC) application 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. On [REDACTED], Petitioner applied for CDC benefits.
2. As of [REDACTED], Petitioner's household members included his spouse and a minor child.
3. Petitioner's spouse earned at least \$240/month in gross employment income.
4. Petitioner received \$2,048 in RSDI benefits.

5. On [REDACTED], MDHHS determined Petitioner's CDC group had excess income and denied Petitioner's CDC application.
6. On [REDACTED] Petitioner requested a hearing to dispute the denial of his CDC application.

CONCLUSIONS OF LAW

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

Petitioner's hearing request indicated he is not a fluent English speaker and that he required assistance to "convey my concern." As it happened, Petitioner did not appear for the hearing, but his spouse did. Petitioner's spouse indicated she requires a translator. Petitioner's spouse was provided with a translator and the hearing was conducted accordingly.

Petitioner requested a hearing to dispute a denial of CDC benefits. MDHHS did not present a written notice, though MDHHS testimony credibly indicated the denial was based on excess income.

If the program group does not qualify for one of the categorically eligible groups, [MDHHS is to] determine eligibility for the income-eligible group. BEM 703 (October 2015), p. 14. Eligibility for this group is based on program group size and non-excluded income received by any member of the program group; see program group definition in BEM 205. *Id.* At application, the program group's gross income must not exceed 95% of the income eligibility scale in RFT 270. *Id.*

It is presumed that Petitioner was not categorically eligible for CDC benefits. To do so, he would have to qualify based on foster care children, protective services involvement, or Family Independence Program eligibility (see *Id.*, p. 13). Thus, Petitioner can only be CDC income-eligible by meeting the standards of RFT 270.

Petitioner's spouse's testimony indicated she was paid \$120/week in employment income. MDHHS only factored \$240/month in employment income for the CDC group. For purposes of this decision, the lower and more Petitioner-favorable amount will be used to determine Petitioner's CDC eligibility. MDHHS factored that Petitioner received \$2,048 in RSDI benefits. Petitioner's spouse's testimony did not dispute the amount of

income budgeted by MDHHS. Petitioner's total income for purposes of CDC eligibility is found to be \$2,288 (the sum of Petitioner and his spouse's income).

The 95% pay percentage income limit for Petitioner's group size of 3 persons is \$1,990 (see RFT 270 (July 2015), p. 1). Petitioner's income exceeded the income limit for initial CDC eligibility. Accordingly, it is found that MDHHS properly denied Petitioner's CDC application.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner CDC application dated [REDACTED]. The actions taken by MDHHS are **AFFIRMED**.



CG/hw

Christian Gardocki
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to [REDACTED]; Attention: MAHS Rehearing/Reconsideration Request.

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

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS



Petitioner

