



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

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Date Mailed: August 25, 2017
MAHS Docket No.: ██████████ 17-008330
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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; 42 CFR 438.400 to 438.424; 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 ██████████, from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by ██████████, Hearing Facilitator.

ISSUE

Did the Department properly deny Petitioner's ██████████ application for Child and 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. Petitioner applied for CDC benefits on ██████████.
2. On ██████████, the Department sent Petitioner a Notice of Case Action which notified Petitioner that her application had been denied for failure to cooperate with the Office of Child Support.
3. On ██████████, Petitioner again applied for CDC benefits.
4. Petitioner provided paystubs at the time of application which showed a gross monthly income of ██████████.

5. On [REDACTED], the Department sent Petitioner a Notice of Case Action which notified Petitioner that her application for CDC benefits had been denied for excess income.
6. On [REDACTED], Petitioner filed a Request for Hearing disputing the Department's action relating to both applications.

CONCLUSIONS OF LAW

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

[REDACTED] application

Regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in Mich Admin Code, R 792.10101 to R 792.10137 and R 792.11001 to R 792.11020. Rule 792.11002(1) provides as follows:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance is denied or is not acted upon with reasonable promptness, has received notice of a suspension or reduction in benefits, or exclusion from a service program, or has experienced a failure of the agency to take into account the recipient's choice of service.

A client's request for hearing must be in writing and signed by an adult member of the eligible group, adult child, or authorized hearing representative (AHR). Department of Health and Human Services Bridges Administrative Manual (BAM) 600 (October 2015), p. 2. Moreover, BAM 600, p. 6 provides that a request for hearing must be received in the Department local office within 90 days of the date of the written notice of case action.

In the present case, the Department sent Petitioner a Notice of Case Action denying Petitioner's [REDACTED] application for CDC benefits. The Department's Notice of Case Action to Petitioner was dated [REDACTED]. However, Petitioner did not file a request for hearing to contest the Department's action until [REDACTED], 95 days after the date of the negative action.

At the hearing, the Department testified, and Petitioner confirmed, that she requested a hearing within the 90-day required timeframe; however, her hearing request was not related to the denial of CDC benefits and as such, that issue was not addressed at the prior hearing. Had Petitioner's hearing request been filed timely, the undersigned would have affirmed the Department's denial of Petitioner's [REDACTED] [REDACTED] [REDACTED] CDC application as Petitioner did not establish one of the required need reasons to allow her application to have been approved.

Petitioner's hearing request was not timely filed within ninety days of the Notice of Case Action and is, therefore, **DISMISSED** for lack of jurisdiction.

[REDACTED] application

On [REDACTED], Petitioner filed an application for CDC benefits. Petitioner submitted two paystubs relating to her employment which included the following: pay information for pay period of [REDACTED] through [REDACTED] with a gross income amount of [REDACTED] and pay information for pay period of [REDACTED] through [REDACTED] with a gross income amount of [REDACTED]. As such, the Department budgeted Petitioner's monthly income as [REDACTED].

Under Department policy, to be eligible for the Child Development and Care (CDC) program at application, a family's gross monthly income must not exceed the maximum monthly gross income limit by family size associated with the [REDACTED] family contribution category. Ongoing eligibility in the program is limited to the maximum monthly gross income limit by family size associated with the [REDACTED] family contribution category. RFT 270 (January 2017), p. 1. Petitioner has a group size of two. The gross income limit for a group size of two at application is [REDACTED]. *Id.* Petitioner's monthly income exceeded this amount.

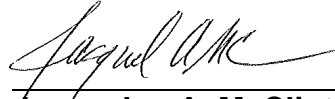
On [REDACTED], the Department sent Petitioner a Notice of Case Action which notified Petitioner that her application for CDC benefits had been denied for excess income. Based upon the information the Department had at the time of application and Petitioner's monthly gross income of [REDACTED], the Department properly denied Petitioner's [REDACTED] application for CDC benefits. 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 Petitioner's [REDACTED] application for CDC benefits.

DECISION AND ORDER

Petitioner's Request for Hearing relating to her [REDACTED] application for CDC benefits is hereby DISMISSED for lack of jurisdiction.

Accordingly, the Department's decision is **AFFIRMED** as it relates to the denial of Petitioner's [REDACTED] application for CDC benefits.

JAM/tlf



Jacquelyn A. McClinton
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 (517) 335-6088; 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

Via Email:

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

Petitioner – Via First-Class Mail:

[REDACTED]
[REDACTED]
[REDACTED]