



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: October 10, 2017  
MAHS Docket No.: 17-010105  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**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 September 25, 2017, from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payment Worker and [REDACTED], Hearing Facilitator.

### **ISSUE**

Did the Department properly deny Petitioner'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 June 15, 2017, Petitioner applied for CDC benefits.
2. In the application, Petitioner indicated that she was homeless.
3. The Department interviewed Petitioner who stated that she and her children have resided with Petitioner's mother since October 2016.
4. The Department determined that Petitioner did not meet the criteria to be considered homeless.
5. The Department assessed Petitioner's eligibility for CDC benefits, including considering her income.

6. Petitioner earns ██████████ per month and receives ██████████ in child support payments for a total gross income of ██████████.
7. On July 17, 2017, the Department sent Petitioner a Notice of Case Action which informed Petitioner that her application for CDC benefits had been denied due to excess income.
8. On July 25, 2017, Petitioner filed a Request for Hearing disputing the Department's actions.

### **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.

On June 15, 2017, Petitioner applied for CDC benefits. Petitioner indicated on her application that she and her children were homeless. Petitioner testified that she had been evicted from her prior residence in October 2016 and has been residing with her mother since that time. Because Petitioner and her children have been residing with Petitioner's mother for an extended period of time, the Department determined that Petitioner did not meet the criteria for the status of homeless. Under Department policy, CDC may be approved for all need reasons when a child is considered to be homeless based on the McKinney-Vento Homeless Assistance Act of 1987, as amended 2015. Examples of a child being homeless are:

- Sharing housing due to economic hardship or loss of housing.
- Living in motels, hotels, trailer parks, or camp grounds due to lack of alternative accommodations.
- Living in emergency or transitional shelters.
- Children whose primary nighttime residence is not ordinarily used as a regular sleeping accommodation (for example park benches, etc.) BEM 703 (April 2017), p. 14.

Petitioner asserts that she is sharing housing with her mother due to economic hardship and loss of housing. Petitioner does not dispute that she receives ██████████ per month.

The income is the result of earnings and child support. Petitioner testified that she does not pay any household bills such as rent, heat, cable, water, etc. Although Petitioner testified that she was evicted from her prior housing in October 2016, she failed to provide proof of the eviction. Additionally, Petitioner failed to provide any proof of any economic hardship given that she does not share in any of the household expenses. Petitioner does not argue that she meets any of the remaining criteria to be considered homeless.

Petitioner confirmed that although her mother would like her to find other housing, she has not taken any affirmative steps to have Petitioner and her children removed from the home. Petitioner argued that residing with her mother is temporary but confirmed that she does not have any other residence identified in which she and her children can reside. As such, Petitioner will be residing with her mother for the foreseeable future.

Petitioner provided documentation from the policy unit within the Department of Health and Human Services which indicated that based upon her stated circumstances, she met the criteria to be considered homeless. However, in describing her circumstances, Petitioner failed to indicate that she had been residing with her mother for nearly one year and that she is not in danger of eviction from her mother's residence. Petitioner further failed to state that she earns nearly [REDACTED] per month and is not responsible for any household expenses.

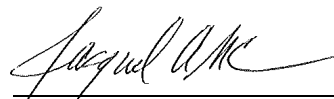
Given that the children's primary nighttime residence is ordinarily used as regular sleeping accommodation, Petitioner and her children are not being required to immediately relocate from her mother's residence, she failed to provide any proof of loss of housing or economic hardship, it is found that Petitioner does not meet the criteria to be considered homeless. Accordingly, the Department properly determined that Petitioner exceeds the income level to receive 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 June 15, 2017 application for CDC benefits.

### **DECISION AND ORDER**

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

JAM/tlf



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**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]

**Petitioner – Via First-Class Mail:**

[REDACTED]