



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]

Date Mailed: June 24, 2019  
MOAHR Docket No.: 19-005092  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler**

### **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 June 17, 2019, from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Corlette Brown, Hearings Facilitator, and Christopher Pompey, Eligibility Specialist.

### **ISSUE**

Did the Department properly determine Child Development and Care (CDC) eligibility?

Did the Department properly consider Petitioner's employment income for Food Assistance Program (FAP) 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 March 11, 2019, Petitioner submitted an application for CDC benefits listing herself, her five children, and her employment income from [REDACTED] (Employer 1).
2. Initially, the Department issued a Notice of Case Action to Petitioner approving CDC benefits for four children but failing to list Petitioner's youngest child as a group member.
3. On April 29, 2019, the Department received Petitioner's request for hearing disputing the Department's inclusion of income from [REDACTED] (Employer 2) in her

FAP budget as well as the Department's failure to include her youngest child in the CDC group.

4. On May 14, 2019, the Department issued a new Notice of Case Action to Petitioner informing her that she was approved for 90 hours of CDC benefits for all five of her children effective March 3, 2019, and continuing until April 11, 2020.

### **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).

#### **Child Development and Care (CDC)**

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.

At the hearing, Petitioner testified that her concerns related to the CDC program had been resolved by the Notice of Case Action dated May 14, 2019. Therefore, she requested to withdraw her hearing request. The Department had no objection to the withdrawn. Having found good cause, Petitioner's request for hearing as it relates to the CDC program is DISMISSED.

#### **Food Assistance Program (FAP)**

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

In this case, Petitioner disputes the inclusion of Employer 2 income in her FAP budget. Pursuant to policy, when budgeting a client's income, the Department is required to use the past three months and/or current month's income to determine eligibility. BEM 505 (October 2017), pp. 3-4. The Department provided Petitioner's Employment Budget Summary and Employer Summary from Bridges. Both documents show that income from employment at Employer 2 ended on July 1, 2016; July 4, 2017; and then again on September 5, 2017. The documents further show that the only employment income being budgeted for Petitioner's FAP benefit from January through March 2019 was from

Employer 1 which was reported on December 5, 2018. Petitioner provided no documentation to support her position that the Department had continued to budget income from Employer 2. Since the only evidence presented shows that the Department ended consideration of Employer 2 income in 2017 and because Petitioner did not dispute any other element of her FAP calculation, the Department's determination of FAP eligibility is **AFFIRMED**.

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 calculated Petitioner's FAP benefit eligibility.

### **DECISION AND ORDER**

Petitioner's request for hearing as it relates to the CDC program is **DISMISSED**.

The Department's decision is **AFFIRMED**.

AMTM/jaf



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**Amanda M. T. Marler**

Administrative Law Judge

for Robert Gordon, 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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

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

Michigan Office of Administrative Hearings and Rules  
Reconsideration/Rehearing Request

P.O. Box 30639

Lansing, Michigan 48909-8139

**DHHS**

LaClair Winbush  
MDHHS-Wayne-31-Hearings

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]

BSC4  
L Brewer-Walraven  
M Holden  
D Sweeney