



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: February 9, 2021  
MOAHR Docket No.: 20-007002  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Landis Lain**

### **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 January 13, 2021, from Lansing, Michigan. Petitioner [REDACTED] self-represented. The Department of Health and Human Services (Department or Respondent) was represented by Danielle Oshesky, Hearings Coordinator.

Department's Exhibits pages 1-58 were admitted as evidence.

### **ISSUE**

Did the Department properly determine that Petitioner's Child Development and Care (CDC) case should be cancelled?

### **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 was a Child Development and Care Program benefit recipient.
2. On August 4, 2020, Petitioner was sent a redetermination regarding the child-care program due August 24, 2020, for redetermination of the month of September 2020.
3. On September 10, 2020, a Notice of potential Child Development Care closure was sent to Petitioner as redetermination paperwork had not been received.

4. On September 18, 2020, a Notice of Case Action was sent to Petitioner stating that Child Development Care was closing effective October 11, 2020, as redetermination paperwork had not been received.
5. On [REDACTED], 2020, Petitioner submitted an application for Child Development Care.
6. On October 20, 2020, the Department Worker completed a required interview for Child Development Care as well as for the Food Assistance Program (FAP) with Petitioner.
7. The Department Worker completed processing the application/case. Child Development Care was denied for being over the income limit. A Notice of Case Action was sent to Petitioner.
8. On October 29, 2020, Petitioner spoke to two workers regarding the decision for Child Development Care. Both workers stated that she was denied for over income.
9. On October 29, 2020, Petitioner filed a hearing request regarding the denial.
10. On October 29, 2020, the Hearing Coordinator scheduled pre-hearing.
11. On November 9, 2020, the pre-hearing was held, and Petitioner wanted to proceed with the hearing.

### **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. 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.

Pertinent Department policy indicates:

Group composition is the determination of which persons living together are included in the Child Development and Care (CDC) program group. Use the definitions in this item to determine CDC group composition. BEM 205

For income eligible Child Development and Care (CDC) determinations, the income of all program group members must be considered. Some types of income are excluded.

Benefit month: The month an assistance benefit payment covers. For CDC, benefit month is the month in which the pay period ends. BEM 505 page 1

A group's financial eligibility and monthly benefit amount are determined using:

- Actual income (income that was already received).
- Prospected income amounts (not received but expected).

Only countable income is included in the determination; see BEM 500. Each source of income is converted to a standard monthly amount, unless a full month's income will not be received; see standard monthly amount in this item. BEM 505 page 1

Complete a CDC budget at application and redetermination or when the Petitioner reports an increase in income that exceeds the highest category in the CDC Income Eligibility Scale for the family size; see RFT 270. This amount will be printed on the DHS-1605, Notice of Case Action, at application and redetermination. BEM 525, page 1

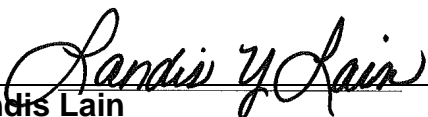
In this case, Petitioner indicated that her total monthly earned income was \$3,011.00. She was receiving \$577.86 in child support which equals \$3,588.86 in total monthly household income. The Department determined that the income limit for a family of four was \$2,838 and sent Petitioner notice that her CDC case was cancelled for excess income.

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 determined that Petitioner had excess income for the continuation of CDC benefit eligibility. The Department established the case by the necessary competent, material and substantial evidence on the record, as well as by a preponderance of evidence on the record.

### **DECISION AND ORDER**

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

LL/hb

  
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**Landis Lain**  
Administrative Law Judge  
for Elizabeth Hertel, 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**

Clinton County via electronic mail

BDC2 via electronic mail

L. Brewer-Walraven via electronic mail

**Petitioner**

[REDACTED]  
MI