



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: April 28, 2021  
MOAHR Docket No.: 20-007904  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Colleen Lack**

**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 March 2, 2020. [REDACTED] the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Joshua King, Eligibility Specialist (ES).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-29.

**ISSUE**

Did the Department properly deny Petitioner's application for the Child Development and Care (CDC) program?

**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] 2020, Petitioner applied for CDC for a household of two, Petitioner and her son. (Exhibit A, pp. 7-11)
2. The provided check stubs for October 2020 were utilized to determine eligibility. (Exhibit A, pp. 1 and 12-13; ES Testimony)
3. On December 4, 2020, a Notice of Case Action was issued to Petitioner, in part stating CDC was denied due to gross income in excess of the program entry limit. (Exhibit A, pp. 17-22)

4. On December 8, 2020, Petitioner filed a hearing request contesting the Department's determination. (Exhibit A, pp. 4-6)

### **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.

For CDC, the Department uses the gross (before deductions) countable, monthly income to determine income eligibility and the family contribution. BEM 525, January 1, 2017, p. 1.

At the time of the December 4, 2020, determination, the maximum monthly gross income for a family size of 2 for entry into the CDC program was \$1,868.00. RFT 270, October 1, 2020, p. 1.

In this case, Petitioner applied for CDC for a household of two, Petitioner and her son, on [REDACTED] 2020. (Exhibit A, pp. 7-11)

The provided check stubs for October 2020 were utilized to determine eligibility. The Department determined Petitioner's gross monthly income was \$[REDACTED]. (Exhibit A, pp. 1 and 12-15; ES Testimony) This exceeded the applicable maximum monthly gross income limit for a family size of 2 for entry into the CDC program at that time, \$1,868.00. RFT 270, October 1, 2020, p. 1. Accordingly, on December 4, 2020, a Notice of Case Action was issued to Petitioner, in part stating CDC was denied due to gross income in excess of the program entry limit. (Exhibit A, pp. 17-22)

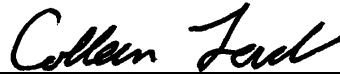
Petitioner's hearing request and testimony addressed her expenses and deductions taken from her paycheck. (Exhibit A, pp. 4-6; Petitioner Testimony) However, under the above BEM 525 policy, the Department properly used Petitioner's gross income to determine eligibility. This Administrative Law judge is limited to reviewing the Department's determination under the existing policy and cannot change or make any exceptions to the Department policy.

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 application for CDC.

**DECISION AND ORDER**

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

CL/ml



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Colleen Lack  
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**

Yaita Turner  
Oakland (Dist 4) County DHHS – via  
electronic mail

BSC4 – via electronic mail

L. Brewer-Walraven – via electronic mail

**Petitioner**

██████████ – via first class mail  
██████████  
██████████ MI ██████████