



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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██████████, MI ██████████

Date Mailed: August 11, 2021
MOAHR Docket No.: 21-002975
Agency No.: ██████████
Petitioner: ██████████ ██████████

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 August 5, 2021, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Timika Harris, AP Supervisor. Department Exhibit 1, pp. 1-16 was received and admitted.

ISSUE

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

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 ██████ ██████ 2021, Petitioner applied for CDC benefits.
2. On May 25, 2021, Notice of Case Action was sent to Petitioner informing her that her CDC application was denied due to excess income.
3. On June 9, 2021, Petitioner requested hearing disputing the denial of CDC.
4. Petitioner had employment income of \$██████ per month at the time of application.
5. Petitioner was receiving \$██████ per month adoption subsidy at the time of application.

6. Petitioner was receiving \$████ per month in child support based on a 3-month average.
7. Petitioner had \$████ total income in the month of application.

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.

ADOPTION SUBSIDIES

Family Independence Program (FIP), State Disability Assistance (SDA), Refugee Cash Assistance Program (RCA), Child Development and Care (CDC) and Food Assistance Program (FAP)

An adoption subsidy is a payment to the adopting parent(s) of an adopted child who would remain in foster care without the subsidy incentive. There are two types of adoption subsidies:

Support Subsidy

- A support subsidy is a payment for ongoing care and support of the child. Bridges includes support subsidies as income.

Medical Subsidy

- A medical subsidy is a payment for medical expenses due to a physical, mental, or emotional condition of the child. Bridges excludes medical subsidies as income. They are reimbursements.

Do not include funds from these payments in liquid asset amounts entered in Bridges. They are excluded assets.

Note: Support Subsidy is excluded as income for Medicaid programs. BEM 503

Child Support Income

Past Three Months

- Use the average of child support payments received in the **past three calendar months** unless changes are expected. Include the current month if all payments expected for the month have been received. Do **not** include amounts that are unusual and not expected to continue. BEM 505

In this case, Petitioner received \$ [REDACTED] in countable income in the month of application, from employment income, child support income and adoption subsidy. The income limit for the CDC for Petitioner's group size was \$2,715 per month. Petitioner was over the income limit and the denial of CDC was proper and correct and consistent with Department policy. RFT 270, BEM 205


Petitioner raised issues with regard to how her child support income was determined and questioned whether adoption subsidy payment should have been included in the income determination. The Department correctly used a 3-month average of the child support Petitioner received in determining \$128 per month child support income, lump sum irregular payments were not included. BEM 505 Adoption Subsidy was properly included in the income determination. BEM 503

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 CDC application due to excess income.

DECISION AND ORDER

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

AM/nr



Aaron McClintic
Administrative Law Judge

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
51111 Woodward Ave 5th Floor
Pontiac, MI 48342

Oakland 4 County DHHS- via electronic
mail

BSC4- via electronic mail

L. Brewer-Walraven- via electronic mail

Petitioner

████████████████████ - via first class mail
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████████, MI ██████████