



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 30, 2021
MOAHR Docket No.: 21-003234
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 4, 2021, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Brad Reno Hearing Facilitator. Department Exhibit 1, pp. 1-40 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's application for Child Development and Care (CDC) benefits due to excess income?

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 benefit. (Ex. 1, pp. 15-22)
2. On June 21, 2021, Notice of Case Action was sent to Petitioner informing her that her application was denied due to excess income. (Ex. 1, pp. 37-40)
3. On June 25, 2021, Petitioner requested hearing disputing the denial of CDC benefits. (Ex. 1, p.6)
4. Petitioner earns \$████████ per month in employment income.
5. Petitioner received \$████████ per month in child support based on a 3-month average at the time of application. (Ex. 1, pp. 29-30)

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.

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 had employment income of \$█████ per month at the time of application. Petitioner did not dispute the amount of employment income. Petitioner is over the \$2,156 gross income limit for the CDC program for a group size of 2 based on her employment income. RFT 270


Petitioner raised issues at hearing with regard to how her child support income was calculated. The Department found that Petitioner received \$█████ per month in child support based on a 3-month average at the time of application, based on Department policy. BEM 505 Irregular payments were not included in the 3-month average. Petitioner testified that the court ordered child support amount is \$█████ per month and that is what she expects to receive going forward. It was explained that if Petitioner applies in the future an average of the previous 3 months will be used. It should be noted that Petitioner was over the income limit without taking into consideration the child support 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 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

Tamara Morris
125 E. Union St 7th Floor
Flint, MI 48502

Genesee Union St. County DHHS- via
electronic mail

BSC2- via electronic mail

L. Brewer-Walraven- via electronic mail

Petitioner

[REDACTED] - via first class mail
[REDACTED]
[REDACTED], MI [REDACTED]