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GOVERNOR

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

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██████████, MI ██████████

Date Mailed: September 14, 2023
MOAHR Docket No.: 23-004031
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Linda Jordan

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 hearing was held on August 17, 2023 via teleconference. Petitioner appeared and represented herself. Lianne Scupholm, Hearings Facilitator, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department).

ISSUE

Did MDHHS properly terminate Petitioner's Child Development and Care (CDC) 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. Petitioner was an ongoing recipient of CDC benefits on behalf of two minor children, a ██████████ and an ██████████
2. On April 5, 2023, Petitioner submitted a CDC Renewal to MDHHS (Exhibit A, p. 6). Petitioner reported living with ██████████ (Partner), the biological father of her ██████████ child (Exhibit A, p. 7). Petitioner reported that the ██████████ old's father was not living in the home (Exhibit A, p. 7).
3. On June 28, 2023, MDHHS issued a Notice of Case Action indicating that Petitioner's CDC benefits would be closed, effective July 16, 2023 ongoing (Exhibit

A, p. 12). The reason for the closure was that the gross household income exceeded the limit for the program (Exhibit A, pp. 12-13).

4. On July 7, 2023, Petitioner requested a hearing to dispute the closure of her CDC case (Exhibit A, p 4).

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. MDHHS 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.

In this case, MDHHS terminated Petitioner's CDC benefits after determining that Partner was a mandatory group member and including his income in the CDC budget. Petitioner disputed the inclusion of Partner in the CDC group.

For CDC, MDHHS must determine group composition in order to determine eligibility for benefits. A CDC program group refers to people who live together and whose income and assets must be considered when determining eligibility. BEM 205 (October 2017), p. 1. When CDC is requested for a child, each of the following persons who live together must be in the program group: (i) Each child for whom care is requested; (ii) Each child's legal and/or biological parent(s) or stepparent; (iii) Each child's unmarried, under age 18, sibling(s), stepsiblings or half sibling(s); (iv) The parent(s) or stepparent of any of the above sibling(s); and (v) Any other unmarried child(ren) under age 18 whose parent, stepparent or legal guardian is a member of the program group. *Id.* Living together means sharing a home except for temporary absences.

Here, MDHHS determined that Partner was a mandatory group member because he was the biological parent of Petitioner's [REDACTED] child and was living in the household. Therefore, he was included in Petitioner's CDC program group and his income was considered in determining eligibility. MDHHS determined that the group did not qualify for CDC benefits based on the inclusion of Partner's income. MDHHS calculated the group's monthly earned income as \$[REDACTED], which exceeded the income eligibility limit of \$6,622.00 for the household (Exhibit A, p. 17). RFT 270 (April 2023), p. 3. Petitioner did not dispute the calculation of the household income but objected to Partner's income being considered when determining CDC eligibility for her [REDACTED]-year-old

child, who is not Partner's biological child. However, policy provides that each child's under age 18 siblings or half-siblings who live together be included in the same CDC group. Additionally, the parents of the minor children who live together also must be included in the same group.

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 MDHHS acted in accordance with Department policy when it made a determination regarding Petitioner's CDC group and subsequently terminated Petitioner's CDC benefits due to excess income.

DECISION AND ORDER

Accordingly, MDHHS' decision is **AFFIRMED**.



LJ/tm

Linda Jordan
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

Via-Electronic Mail :

DHHS
Kristina Etheridge
Calhoun County DHHS
190 East Michigan
Battle Creek, MI 49016
**MDHHS-Calhoun-
Hearings@michigan.gov**

Interested Parties
L. Brewer-Walraven
BSC3

Via-First Class Mail :

Petitioner
[REDACTED]
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