



Date Mailed: March 7, 2025
Docket No.: 25-005136
Case No.: [REDACTED]
Petitioner: [REDACTED]

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এটি একটি গুরুত্বপূর্ণ আইনি উকুমেন্ট। দয়া করে কেউ দ্রাবেজ অনুবাদ করুন।

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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; 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 via telephone conference on March 5, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Sabe Mason-Brown, Assistance Payments Worker.

ISSUE

Did MDHHS properly deny Petitioner's Child Development and Care (CDC) application 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 [REDACTED] 2025, Petitioner applied for CDC benefits for a group size of three, consisting of his minor child; his wife, [REDACTED] (Wife); and himself. Petitioner was employed at [REDACTED] (Petitioner Employer). Wife is employed at [REDACTED] (Wife Employer) (Exhibit A, pp. 8-18).

2. On January 17, 2025, Petitioner was interviewed by MDHHS as part of the application process. Petitioner confirmed his household employment and income (Exhibit A, pp. 19-25).
3. On January 17, 2025, MDHHS issued a Notice of Case Action to Petitioner, informing him that his CDC application was denied due to excess gross income (Exhibit A, pp. 31-34).
4. Petitioner submitted a hearing request to dispute the denial of his CDC application (Exhibit A, pp. 4-5).

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.

Petitioner disputes the denial of his CDC application due to excess gross income. Petitioner testified that subsequent to the request for hearing, his employment ended. Petitioner was advised by MDHHS to reapply for CDC benefits.

The goal of the CDC program is to support low-income families by providing access to high-quality, affordable and accessible early learning and development opportunities and to assist the family in achieving economic independence and self-sufficiency. The CDC program is intended to promote continuity of care and to extend the time an eligible child has access to childcare assistance by providing a subsidy for childcare services for qualifying families. BEM 703 (March 2024), p. 1.

If a child does not qualify for one of the CDC protective services groups (cases with children's protective services, foster care, Family Independence Program, migrant farmworkers or homelessness), the group must pass the CDC income eligibility test. BEM 703, p. 16. For income eligible determinations, the income of all program group members must be considered. BEM 525 (November 2021), p. 1. Income eligible families may have a co-payment amount called a family contribution. MDHHS uses the gross (before deductions) countable, monthly income to determine income eligibility and

the family contribution. To be eligible for the CDC program at application, a program group's countable gross monthly income must not exceed the maximum monthly gross income limit by family size associated with the program entry limit (\$15 Family Contribution category). BEM 703 p. 16. After initial eligibility has been determined, a family's income must not exceed the maximum monthly gross income eligibility limit by family size associated with the program exit limit. BEM 703, p. 16.

MDHHS considered Petitioner's pay from January 3, 2025 for \$ [REDACTED] and from December 20, 2024 for \$ [REDACTED] (see Exhibit A, pp. 29-30) and Wife's pay from December 27, 2024 for \$ [REDACTED] and from December 13, 2024 for \$ [REDACTED] (see Exhibit A, p. 28). Both Petitioner and Wife are paid biweekly. MDHHS testified that their income was converted to a standard monthly amount for a total household income of \$ [REDACTED] (see Exhibit A, p. 1; p. 35). BEM 505 (October 2023), p. 8. Petitioner testified that his income varies month to month based on commissions he may earn. Petitioner testified that he did not inform MDHHS regarding his income variation. While MDHHS will exclude irregular pay, MDHHS was not informed that the paystubs submitted by Petitioner were not reflective of his regular pay. Therefore, MDHHS properly calculated Petitioner's total household monthly gross income to be \$ [REDACTED]. The maximum monthly gross income limit for a household size of three at the time of Petitioner's application is \$4,304.00. RFT 270 (October 2024), p. 1; p. 3. Since Petitioner's gross income exceeds the CDC entry maximum limit, MDHHS acted in accordance with policy when denying Petitioner's CDC application.

DECISION AND ORDER

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.

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



DANIELLE NUCCIO
ADMINISTRATIVE LAW JUDGE

APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to MOAHR-BSD-Support@michigan.gov, OR
- by fax at (517) 763-0155, OR
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.

Via Electronic Mail:

Respondent

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Interested Parties

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Via First Class Mail:

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