



**Date Mailed:** November 6, 2025  
**Docket No.:** 25-033619  
**Case No.:** [REDACTED]  
**Petitioner:** [REDACTED]

[REDACTED] MI [REDACTED]

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এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ 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; 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 by telephone on October 15, 2025. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Rosemary Molsbee-Smith, Eligibility Specialist.

The Department's 57-page hearing packet was admitted into evidence as Exhibit A. Petitioner's 15-page packet was admitted into evidence as Exhibit 1.

### **ISSUE**

Did the Department properly deny Petitioner Child Development and Care (CDC) assistance 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 filed a Complaint for Divorce with Children in the [REDACTED]. (Exhibit A, pp. 15 – 16; Exhibit 1, p. 5).
2. On [REDACTED] 2025, the Department received a completed application for assistance from Petitioner. Petitioner requested multiple types of assistance, including Family Independence Program (FIP) cash assistance and CDC, for herself and her son (Child). Petitioner reported Child's father, [REDACTED] (Father), did not live in the home. She also reported that she was unemployed and had no income. (Exhibit A, pp. 19 – 29).
3. On September 3, 2025, the Department interviewed Petitioner. Petitioner reported that Father was her husband, resided in the household, and she did not want him included in her case. She also reported that Father was employed by City of [REDACTED] (COF); and that she expected to begin employment with [REDACTED] (Employer) on September 8, 2025, and would earn \$ [REDACTED] per hour, work 40 hours per week, and be paid bi-weekly. (Exhibit A, pp. 30 – 36).

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4. On September 3, 2025, the Department sent Petitioner a Verification Checklist (VCL). The Department requested multiple verifications from Petitioner, including verification of Father's income. (Exhibit A, pp. 38 – 39).
  5. On September 3, 2025, the Department also sent Petitioner a Notice of Case Action (NOCA) that denied her FIP and CDC due to excess income. (Exhibit A, pp. 41 – 42).
  6. On September 5, 2025, the Department received a request for hearing from Petitioner, disputing the Department's denial of Petitioner's application for FIP and CDC. (Exhibit A, pp. 5 – 13).

### **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 requested a hearing in this matter to dispute the Department's denial of her application for FIP and CDC benefits. The Department denied Petitioner's application for both programs due to excess income.

As a preliminary matter, upon commencement of the hearing, Petitioner testified that her dispute regarding the Department's denial of her request for FIP benefits was resolved and withdrew that portion of her request for hearing. The Department had no objection to the withdrawal. Therefore, Petitioner's request for hearing regarding FIP was dismissed and the hearing proceeded to address her dispute regarding CDC only.

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. BEM 703 (October 2024), p. 1. At application, unless the child is determined to be eligible for CDC based on CDC Protective Services, eligibility is based on income and the program group's countable gross monthly income must not exceed the maximum monthly gross income limit for the group's family size as listed in the *entry* column on the CDC Income

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Eligibility Scale found in RFT 270. BEM 703, pp. 13 – 16; BEM 525 (November 2021), p. 1; RFT 270 (July 2025), p. 1.

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A CDC program group means those persons living together whose income and assets must be counted in determining eligibility, and includes all of the following people in the household:

- a) Each child for whom care is requested,
- b) Each child's legal and/or biological parent(s) or stepparent,
- c) Each child's unmarried, under age 18, sibling(s), stepsiblings or half sibling(s),
- d) The parent(s) or stepparent of any of the above sibling(s), and
- e) Any other unmarried child(ren) under age 18 whose parent, stepparent or legal guardian is a member of the program group.

BEM 205 (October 2024), pp. 1 – 2. For purposes of CDC, living together means sharing a home except for a temporary absence as defined in BEM 205. BEM 205, p. 1.

Here, although the evidence established that Petitioner filed a complaint for divorce from Father, and she testified that he does not contribute to the household financially, there was no dispute that Father resided in the household with Petitioner and Child as of the date of Petitioner's application. There was also no dispute that as of the date of the hearing, Father continued to reside in the household. Therefore, the Department properly determined that for purposes of determining Petitioner's CDC eligibility, Father was a mandatory member of the program group and Petitioner had a program group size of three.

For income eligible CDC determinations, once the program group has been determined, the Department must use gross countable, monthly income of the group to determine income eligibility and the family contribution. BEM 525 (November 2021), p. 1; BEM 505 (June 2025), p. 1. Countable income is all income that is not specifically excluded and the income limit for eligibility for the CDC program at application for a three-person program group such as Petitioner's, is \$4,304. BEM 500 (April 2022), p. 3; RFT 270, pp. 1, 3.

Wages from employment are earned income and are not reduced by garnishments. BEM 501 (January 2024), pp. 6 – 7; BEM 505, p. 1. The Department uses actual and prospected income amounts of the program group members to determine the best estimate of income to be received by the group during the benefit month. BEM 505 (June 2025), pp. 1, 3 – 4, 6 – 7. For starting income, the Department must use the best available information to prospect income for the benefit month, which may be based on expected work hours times the rate of pay. BEM 505, p. 8. For the purposes of CDC,

25-033619

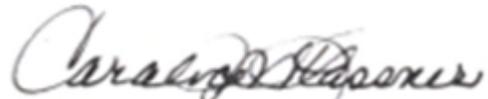
the Department must convert income that is received more often than monthly into a standard monthly amount and the average of bi-weekly amounts is multiplied by 2.15. BEM 505, pp. 8 – 9.

Here, there was no dispute that Petitioner reported that beginning September 8, 2025, she expected to earn \$ [REDACTED] per hour, work 40 hours per week, and be paid bi-weekly by Employer. (Exhibit A, p. 34). Petitioner also acknowledged that she has gross earnings of at least \$ [REDACTED] per month. (Exhibit 1, p. 2). There was also no dispute that Father earns a salary of \$ [REDACTED] bi-weekly from his employment with COF. (Exhibit A, p. 37). A review of the evidence established that the program group's total gross countable monthly income was more than \$4,304. Therefore, because Father was a mandatory member of the program group and the program group's gross countable monthly income exceeded the three-person income limit for initial CDC assistance, the Department properly denied Petitioner's application due to excess income.

**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 application for CDC assistance due to excess income.

Accordingly, Petitioner's request for hearing as to FIP is **DISMISSED**, and the Department's decision as to CDC is **AFFIRMED**.



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**CARALYCE M. LASSNER**  
**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](mailto: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**

OAKLAND COUNTY DHHS - MADISON HTS DIST  
30755 MONTPELIER DR  
MADISON HTS, MI 48071  
**MDHHS-OAKLAND-DISTRICTII-  
HEARINGS@MICHIGAN.GOV**

**Via First Class Mail:**

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]