

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No.: 2008-24747
Issue No.: 6021
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
August 20, 2009
Wayne County DHS (17)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing has conducted from Detroit, Michigan on August 20, 2009. The Claimant appeared and testified. [REDACTED], FIM and [REDACTED], case worker, appeared on behalf of the Department and testified.

ISSUE

Whether the Claimant failed to cooperate with the Department resulting in the sanction of the Claimant's Child Day Care benefits, whether claimant received the correct amount of Child Day Care benefit?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. In April 2008, Claimant was receiving CDC (child care) benefits for five children.

2. Claimant was sanctioned for non-cooperation of child support for failing to respond to two letters requesting information from the Office of Child Support dated March 12, 2008 and April 15, 2008.
3. Notice of Noncooperation was sent to claimant on April 23, 2008.
4. Claimant testified that she attempted to contact the worker [REDACTED] prior to the notice of noncooperation but was unable to reach her. Claimant further testified that she included information regarding paternity on her application.
5. No one for the office of child support was present at hearing to testify or present evidence of noncooperation.
6. A Cooperation Notice was sent to Claimant on May 21, 2008 informing her that she was considered to be cooperating at that time.
7. On June 13, 2008, the Department received the Claimant's Request for Hearing protesting the sanction of her CDC benefits.

CONCLUSIONS OF LAW

The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (formerly known as the Family Independence Agency) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Clients must comply with all requests for action or information needed to establish paternity and/or obtain child support on behalf of children for whom they receive assistance, unless a claim of good cause for not cooperating has been granted or is pending. PEM 255, p. 1 Failure to cooperate without good cause results in disqualification. PEM 255, p. 1. If good cause exists, cooperation is excused as an eligibility requirement for the child involved. PEM 255, p. 2

The administrative law Judge finds that the Department has failed to prove that claimant was noncooperative. No evidence of noncooperation was submitted by the department. Claimant credibly testified that she attempted to contact the child support worker and that she submitted information about paternity on her application.

Accordingly, the Department's sanction of the claimant for noncooperation is REVERSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department improperly sanctioned the Claimant's CDC benefits for noncooperation.

Accordingly, it is ORDERED, The Department shall supplement the Claimant and/or the child care provider with any lost benefits she was otherwise entitled to receive during the period of sanction April 23, 2009 to May 21, 2009.

/s/
Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

2008-24747/AM

Date Signed: 08/28/09

Date Mailed: 08/31/09

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

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