

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 2010-33113
Issue No: 6015
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 24, 2010
Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on August 24, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly stop Child Development and Care (CDC) benefits for one of Claimant's two children due to non-cooperation with the Office of Child Support?

FINDINGS OF FACT

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

- (1) On April 2, 2009 the Office of Child Support issued a letter of non-cooperation to Claimant regarding her son [REDACTED]
- (2) On January 14, 2010 Claimant was sent a Notice of Case Action (DHS-1605) stating Child Development and Care (CDC) benefits for [REDACTED] would end January 30, 2010.
- (3) On February 8, 2010 Claimant submitted a request for hearing.

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 (DHS or department) provides services to adults and children pursuant to MC L 400.14(1) and M A C R 400.5001-5015. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

CHILD SUPPORT

DEPARTMENT PHILOSOPHY

Families are strengthened when children's needs are met. Parents have a responsibility to meet their children's needs by providing support and/or cooperating with the department including the Office of Child Support (OCS), the Friend of the Court (FOC) and the prosecuting attorney to establish paternity and/or obtain support from an absent parent.

DEPARTMENT POLICY

FIP, CDC Income Eligible, MA and FAP

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.

Absent parents are required to support their children. Support includes **all** of the following:

- Child support.
- Medical support.
- Payment for medical care from any third party.

Note: For purposes of this item, a parent who does not live with the child due solely to the parent's active duty in a uniformed service of the U.S. is considered to be living in the child's home.

Failure to cooperate without good cause results in disqualification. Disqualification includes member removal,

as well as denial or closure of program benefits, depending on the type of assistance (TOA). See Support Disqualification in this item.

GOOD CAUSE FOR NOT COOPERATING

FIP, CDC Income Eligible, MA and FAP

Exceptions to the cooperation requirement are allowed for all child support actions except failure to return assigned child support payments received after the support certification effective date. See Support Certification Effective Date below.

Good cause must be determined for each child. Grant good cause **only** when both of the following are true:

- Requiring cooperation/support action is against the child's best interests.
- There is a specific good cause reason.

See the [Good Cause Reasons](#) later in this item.

Claiming Good Cause

FIP, CDC Income Eligible, MA and FAP

If a client claims good cause, both you and the client must sign the DHS-2168. The client must complete Section 2 specifying the type of good cause and the individual(s) affected. Give the client a copy of the completed DHS-2168.

To prevent any support action while the good cause claim is pending, send a copy of the DHS-2168 to the support specialist **within two working days of completion**. Local offices outside of Wayne County, send the completed DHS-2168 to:

OCS
P.O Box 30750
Lansing, MI 48909

Wayne County local offices, send the completed DHS-2168 to:

OCS
P.O. Box 02991
Detroit, MI 48202

A claim may be made at any time. You are responsible for determining if good cause exists. Do **not** deny an application or delay program benefits just because a good cause claim is pending.

A good cause claim must do all of the following:

- Specify the reason for good cause.
- Specify the individuals covered by it.
- Be supported by written evidence or documented as credible.

Evidence and Credibility of Good Cause

Request the client provide evidence of good cause within 20 calendar days of claim. Allow an extension of up to 25 calendar days if the client has difficulty in obtaining the evidence.

Note: You must change the Verification Check List (VCL) due date in Bridges manually, to extend the due date of verification.

Assist clients in obtaining written evidence if needed. Place any evidence in the case record. See [Verification Sources](#) below for examples of acceptable evidence.

If written evidence does **not** exist, document why none is available and determine if the claim is credible. Base credibility determination on available information including client statement and/or collateral contacts with individuals who have direct knowledge of the client's situation.

Verification of good cause due to domestic violence is required only when questionable.

Determining Good Cause

FIP, CDC Income Eligible, MA and FAP

You are responsible for making a good cause determination within 45 calendar days of receiving a signed DHS-2168 claiming good cause.

The OCS can review and offer comment on the good cause claim before you make your determination. Exceed the 45-day limit **only if** all of the following apply:

- The client was already granted an additional 25-day extension to the original 20-day limit.
- More information is needed that **cannot** be obtained within the 45-day limit.
- You have supervisory approval.

Document extensions in the case record.

One of three findings is possible when making a determination:

- Good cause exists and no support action will be taken.
- Good cause exists but support action can proceed without the client **and** without endangering the client or child.
- Good cause does not exist and the client must cooperate.

All good cause determinations must be:

- Approved by your supervisor.
- Reviewed at every redetermination if subject to change.
- Documented on the DHS -2169, Notice of Good Cause Finding - Child Support/Third Party Resources

and a copy must be placed in the case record. (BEM 225)

Send a copy of the DHS-2169, Notice of Good Cause Finding to OCS.

In this case Claimant testified that she recalls getting the initial Non-cooperation Notice. Claimant went on to testify that she submitted paperwork for good cause shortly after the April 2, 2009 notice came out and was receiving Child Development and Care (CDC) benefits for both her children. The Department case file shows that good cause documentation was submitted on March 4, 2010 and on August 12, 2010 the Office of Child Support issued a notice that Claimant was in cooperation. The record contains no information to explain why Claimant was authorized and receiving CDC benefits for [REDACTED] after the initial April 2, 2009 Non-cooperation Notice.

The Department has failed to provide sufficient evidence to convince this Administrative Law Judge that Claimant was in non-cooperation and/or had not established good cause in January 2010. The Department has not met its initial burden of proof that the action was in accordance with law and policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly stop Child Development and Care (CDC) benefits for one of Claimant's two children due to non-cooperation with the Office of Child Support.

It is ORDERED that the actions of the Department of Human Services, in this matter, are REVERSED.

It is further ORDERED that Claimant be supplemented any Child Development and Care (CDC) benefits she was otherwise eligible for between January 2010 and August 2010.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 14, 2010

Date Mailed: September 16, 2010

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 mailing 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.

GFH/alc

cc:

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