

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 2011-46692



Genesee County DHS

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the DHS client's (referred to as "Claimant") request for a hearing received on July 20, 2011. After due notice, a telephone hearing was held on September 21, 2011. Claimant personally appeared and provided testimony.

ISSUE

Did the Department act properly when it withheld authorization for payment of Claimant's Child Development and Care (CDC) benefits to her provider until Claimant complied 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. Claimant was an active CDC recipient at all relevant times.
2. Claimant was in noncompliance with the Office of Child Support from May 17, 2011 through July 5, 2011. (Hearing Summary).
3. Claimant's CDC provider was unable to bill for services rendered while Claimant was in noncompliance status. (Request for Hearing).
4. On July 20, 2011, Claimant requested a hearing because the department would not authorize payment for child care services rendered by her provider. (Request for Hearing).

CONCLUSIONS OF LAW

The client has the right to request a hearing for any action, failure to act or undue delay by the department. BAM 105. The department provides an administrative hearing to review the decision and determine its appropriateness. BAM 600.

The regulations that govern the hearing and appeal process for applicants and recipients of public assistance in Michigan are contained in the Michigan Administrative Code (Mich Admin Code) Rules 400.901 through 400.951. An opportunity for a hearing shall be granted to a recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance. Mich Admin Code 400.903(1).

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 MCL 400.14(1) and MAC R 400.5001-5015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Department policy indicates that clients are required to pursue any potential benefits for which they may be eligible. BEM 270. One of these benefits is child support. The department takes the position that families are strengthened when children's needs are met. BEM 255. Departmental policy provides that 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. BEM 255.

Policy states that the custodial parent or alternative caretaker of children 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. BEM 255. Absent parents are required to support their children. BEM 255. Support includes all of the following: (1) child support, (2) medical support and (3) payment for medical care from any third party. BEM 255.

For purposes of CDC, cooperation is a condition of eligibility. BEM 255. Failure to cooperate without good cause results in ineligibility for CDC. BEM 255. Bridges will close or deny the CDC EDG when a child support noncooperation record exists and there is no corresponding comply date. BEM 255.

In this case, although Claimant admittedly was in noncompliance with the Office of Child Support, Claimant's CDC was not closed at any time. Claimant was noncompliant beginning in May 17, 2011 and did not comply until July 5, 2011. Claimant, and her day care provider, testified that the department's computer system refused to pay for daycare services rendered. However, the day care provider conceded that she did not make any attempts to bill for day care services after Claimant complied with the Office of Child Support on July 5, 2011. The Department established that claimant's CDC benefits were not affected. Essentially, Claimant's request for hearing was moot because there was no negative action regarding

Claimant's CDC benefits. In this matter, Claimant requested a hearing because she was unable to bill for day care services prior to the noncooperation period. There were no attempts to bill for CDC services following July 5, 2011. Accordingly, there was no negative action affecting Claimant's CDC benefits in this matter.

Consequently, based on the material, competent and substantial evidence presented at the hearing, this Administrative Law Judge finds that the department acted appropriately and did not take any negative action affecting Claimant's CDC benefits.

DECISION AND ORDER

Therefore, the Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly determined Claimant's Child Development and Care (CDC) benefits. Specifically, the department acted properly and did not take any action that negatively affected Claimant's Child Development and Care (CDC) benefits because Claimant was in noncompliance with the Office of Child Support.

Accordingly, the department's action is AFFIRMED.

It is SO ORDERED.

/s/
C. Adam Purnell
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 10/7/11

Date Mailed: 10/7/11

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 60 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.

CAP/ds

