

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

IN THE MATTER OF:

██████████  
██████████  
██████████

Reg. No: 20119601

Issue No: 6015

Case No: ██████████

Hearing Date:

March 3, 2010

Genesee County DHS

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on November 30, 2010. After due notice, a telephone hearing was held on Thursday, March 3, 2011.

**ISSUE**

Whether the Department of Human Services (Department) properly determined the Claimant's Child Development and Care (CDC) eligibility?

**FINDINGS OF FACT**

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

1. The Claimant applied for Child Development and Care (CDC) benefits on July 15, 2010.
2. On August 17, 2010, the Department denied the Claimant's Child Development and Care (CDC) application for failure to cooperate with the Office of Child Support.
3. The Department received the Claimant's request for a hearing on November 30, 2010, protesting the denial of her Child Development and Care (CDC) application.

## **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 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).

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. BEM 255.

The head of household and the parent 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

Failure to cooperate without good cause results in ineligibility for benefits. Bridges will close or deny benefits when a child support non-cooperation record exists and there is no corresponding comply date. BEM 255.

The Department has the burden of proving that its actions were a proper application of its policies. The Department had a duty to present the following:

- An explanation of the action(s) taken.
- A summary of the policy or laws used to determine that the action taken was correct.
- Any clarifications by central office staff of the policy or laws used.
- The facts which led to the conclusion that the policy is relevant to the disputed case action.

The DHS procedures ensuring that the client received adequate or timely notice of the proposed action and affording all other rights. BAM 600.

In this case, the Claimant applied for Child Development and Care (CDC) benefits. On August 17, 2010, the Department denied the Claimant's Child Development and Care (CDC) application for failure to cooperate with the Office of Child Support.

The Department's representative testified that records within the Bridges computer system show that the Claimant has been non-cooperative with the Office of Child Support since May 24, 2009.

The Department's representative submitted a copy of an e-mail dated August 16, 2010, from a person that did not testify during the hearing. This person testified for the purposes of establishing that the Claimant has refused to identify the father of one of her children to the Office of Child Support. Pursuant to MCL 24.272, the claimant had the right to cross-examine the author of any hearsay document attempted to be used by the Department for accuracy. Since the author of this e-mail was not available during the hearing, this Administrative Law Judge finds this statement to be unreliable hearsay evidence.

The Claimant testified that she has always cooperated with the Office of Child Support, and has never refused to identify the father of her children. The Claimant testified that she has received Child Development and Care (CDC) benefits since May 24, 2009.

The Department has concluded that the Claimant has failed to cooperate with the Office of Child Support, but has not established how she failed to cooperate. The Department bases its conclusions on records in the Bridges computer system that show the Claimant has been in non-cooperation status since May 21, 2009. The Department has failed to explain how the Claimant was placed in non-cooperation status on May 21, 2009, or why the Department chose to act on this status on August 17, 2010.

Based on the evidence and testimony available during the hearing, the Department has failed to establish that the Claimant refused to cooperate with the Office of Child Support, or that it acted in accordance in accordance with policy when it denied the Claimant's Child Development and Care (CDC) application.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department has failed to establish that the Claimant refused to cooperate with the Office of Child Support.

Accordingly, the Department's Child Development and Care (CDC) eligibility determination is **REVERSED**. It is further **ORDERED** that the Department shall:

1. Initiate a determination into whether the Claimant has cooperated with the Office of Child Support.
2. Initiate a determination of the Claimant's eligibility for Child Development and Care (CDC) benefits as of her application date of July 15, 2010.
3. Provide the Claimant with written notification of the Department's revised eligibility determination.
4. Issue the Claimant any retroactive benefits she may be eligible to receive, if any.

/s/ \_\_\_\_\_  
Kevin Scully  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: March 9, 2011

Date Mailed: March 9, 2011

**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.

KS/tg

2011-9601/KS

cc:

