

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No: 20132403  
Issue No: 5008  
Case No: [REDACTED]  
Hearing Date: February 21, 2013  
Jackson County DHS

**ADMINISTRATIVE LAW JUDGE:** Suzanne L. Morris

**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 telephone hearing was held on February 21, 2013. The claimant appeared and provided testimony. The department witnesses were [REDACTED].

**ISSUE**

Did the department properly deny the claimant's State Emergency Relief (SER) application due to an Office of Child Support (OCS) noncooperation?

**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 SER assistance with electricity and natural gas.
2. The claimant was mailed a Notice of Case Action (DHS-1605) on September 24, 2012, informing her that her request for SER assistance had been denied because she was in noncooperation status with child support requirements.
3. The claimant submitted a hearing request on October 1, 2012.

**CONCLUSIONS OF LAW**

The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. Department of Human Services (DHS or department) policies are found in the State Emergency Relief Manual (ERM).

Department policy states:

### **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 and the prosecuting attorney to establish paternity and/or obtain support from an absent parent. BEM 255.

### **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** 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, denial of program benefits, and/or case closure, depending on the program.

#### **Penalties**

When an SER group member has been denied or terminated assistance for failure to comply, when able with a procedural requirement of FIP, SDA or SSI, the group is not eligible for SER. Groups that are noncooperative with the Office of Child Support are also ineligible for SER. SER ineligibility

continues as long as the group member fails or refuses to pursue potential resources. Sanctioned groups that are able to comply are ineligible for SER until they comply. ERM 203.

Department policy indicates that cooperation with the Office of Child Support (OCS) is a condition of eligibility to receive SER benefits. BEM 225, ERM 203. Cooperation is required in all phases of the process to establish paternity and obtain support, including contacting the OCS when requested. BEM 225. Failure to cooperate without good cause results in disqualification. Disqualification includes member removal, denial of program benefits, and/or case closure, depending on the program. BEM 225, ERM 203.

In this case, the claimant admits that she received information to contact the OCS. The claimant testified in the hearing that she contacted OCS sometime in November, 2012, which was after the decision was issued on her SER application. Therefore, the claimant could not have been determined cooperative until after the November, 2012 telephone call, which was after her application for SER was denied.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied the claimant's State Emergency Relief (SER) application due to an Office of Child Support (OCS) noncooperation.

Accordingly, the department's determination is **UPHELD**. SO ORDERED.

/s/ \_\_\_\_\_  
Suzanne L. Morris  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: February 25, 2013

Date Mailed: February 25, 2013

**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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
  - misapplication of manual policy or law in the hearing decision,
  - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
  - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at

Michigan Administrative hearings  
Reconsideration/Rehearing Request  
P. O. Box 30639  
Lansing, Michigan 48909-07322

SM/cr

cc:

