

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-17951
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: [REDACTED]
County: Washtenaw

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on [REDACTED] from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED] and [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly disqualified the Claimant from the Child Development and Care (CDC) program due to noncooperation 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. The Claimant was an ongoing Child Development and Care (CDC) recipient.
2. The Department found the Claimant to be noncooperative with the Office of Child Support on [REDACTED].
3. On [REDACTED] the Department notified the Claimant that it would close her Child Development and Care (CDC) benefits.
4. The Department received the Claimant's request for a hearing on [REDACTED], protesting the closure of her Child Development and Care (CDC) benefits.

CONCLUSIONS OF LAW

The Child Development and Care (CDC) 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 provides services to adults and children pursuant to MCL 400.14(1) and 1999 AC, R 400.5001 through Rule 400.5015.

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. Failure to cooperate without good cause results in disqualification. Department of Human Services Bridges Eligibility Manual (BEM) 255 (December 1, 2011), p 1.

In this case, the Claimant was an ongoing Child Development and Care (CDC) recipient. The Department found the Claimant to be noncooperative with the Office of Child Support on [REDACTED] [REDACTED] the Department notified the Claimant that it would close her Child Development and Care (CDC) benefits due to the noncooperation sanction as of [REDACTED] [REDACTED]

A Supplemental Hearing Summary Non Cooperation Explanation Of Action Taken By Office of Child Support was submitted to Michigan Administrative Hearing System (MAHS), but the Department's representatives present at the hearing did not have a copy of this report. The Department's representatives had no personal knowledge of the specific circumstances that led to the Claimant's disqualification from the Child Development and Care (CDC) program and could not testify to the accuracy of the report.

Therefore, this Administrative Law Judge did not admit the report into record as evidence.

Based on the evidence and testimony available during the hearing, this Administrative Law Judge finds that the Department failed to establish that the Claimant failed to cooperate with the Office of Child Support. The Department failed to establish that it properly closed the Claimant's Child Development and Care (CDC) benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department failed to establish that it properly closed the Claimant's Child Development and Care (CDC) benefits.

The Department's Child Development and Care (CDC) eligibility determination is hereby **REVERSED**.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Provide the Claimant with a ten-day period to clarify whether she 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 [REDACTED]
3. Provide the Claimant with a Notice of Case Action (DHS-1605) describing the Department's revised eligibility determination.
4. Issue the Claimant any retroactive benefits that the Claimant may be eligible to receive, if any.

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

Date Signed: 05/10/2013

Date Mailed: 05/10/2013

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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.

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

KS/kl

cc:

