

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 2013-52920
Issue No.: 2000; 3000; 6043
Case No.: ██████████
Hearing Date: July 15, 2013
County: Wayne (31)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 three-way telephone hearing was held on July 15, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ Eligibility Specialist. Also, ██████████, Support Specialist Lead from the Office of Child Support ("OCS") was present for the hearing.

ISSUE

Did the Department properly close Claimant's Child Development and Care (CDC) program benefits effective June 2, 2013, ongoing, due to her failure to establish paternity and/or obtain child support?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of CDC benefits.
2. On September 29, 2012, the OCS sent Claimant a contact letter regarding the absent father.
3. On February 24, 2013, the OCS sent Claimant a second contact letter.
4. On March 13, 2013, the OCS sent Claimant a non-cooperation letter and she was placed in non-cooperation status with OCS that same date.

5. On June 11, 2013, the Department sent Claimant a Notice of Case Action notifying her that her CDC benefits were closed effective June 2, 2013, ongoing, due to her failure to establish paternity and/or obtain child support. Exhibit 1.
6. On June 13, 2013, Claimant filed a hearing request, protesting the Department's actions. Exhibit 1.
7. On June 18, 2013, Claimant spoke to the OCS and provided the absent parent's information.
8. On June 18, 2013, Claimant was placed in cooperation status with the OCS.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

Preliminary matters

As a preliminary matter, Claimant was also disputing her Food Assistance Program (FAP) and Medical Assistance (MA) benefits. During the hearing, the Department testified that Claimant's FAP benefits were closed due to her failure to return a Semi-Annual report. Moreover, the Department testified that Claimant's MA benefits are currently pending until Claimant submits verification documents. A review of Claimant's hearing request does not indicate any dispute with these programs other than child support issues. See Exhibit 1. Thus, this hearing decision will only address Claimant's CDC issue.

CDC benefits

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 Mich Admin Code, R 400.5001 through R 400.5015.

In this case, Claimant was an ongoing recipient of CDC benefits. On September 29, 2012, the OCS sent Claimant a contact letter regarding the absent father. On February 24, 2013, the OCS sent Claimant a second contact letter. On March 13, 2013, the OCS sent Claimant a non-cooperation letter and she was placed in non-cooperation status with OCS that same date. On June 11, 2013, the Department sent Claimant a Notice of Case Action notifying her that her CDC benefits were closed effective June 2, 2013, ongoing, due to her failure to establish paternity and/or obtain child support. Exhibit 1. On June 13, 2013, Claimant filed a hearing request, protesting the Department's

actions. Exhibit 1. On June 18, 2013, Claimant spoke to the OCS and provided the absent parent's information. On June 18, 2013, Claimant was placed in cooperation status with the OCS.

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 (December 2011), p. 1.

Failure to cooperate without good cause results in disqualification. BEM 255, p. 1. Disqualification includes member removal, as well as denial or closure of program benefits, depending on the type of assistance (TOA). BEM 255, p. 1.

Regarding CDC cases, failure to cooperate without good cause results in ineligibility for CDC. BEM 255, p. 11. The Department will close or deny the CDC Eligibility Determination Group ("EDG") when a child support non-cooperation record exists and there is no corresponding comply date. BEM 255, p. 11.

At the hearing, Claimant testified that she received the contact letters and the non-cooperation letter from the OCS. Additionally, Claimant testified that she never spoke with the OCS until June 18, 2013.

Based on the foregoing information and evidence, the Department properly closed Claimant's CDC benefits effective June 2, 2013, ongoing, in accordance with Department policy. Claimant admitted that she received all of the letters from the OCS regarding the absent parent and never responded back to the OCS. Claimant was aware of her non-cooperation with the OCS as of March 13, 2013. Claimant did not comply with the OCS until after her CDC case closure.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did act properly when it closed Claimant's CDC benefits effective June 2, 2013, ongoing.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated above and on the record.



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 22, 2013
Date Mailed: July 22, 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 affect the substantial rights of the claimant,
 - 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

EJF/cl

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