

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

IN THE MATTER OF:



Reg. No.: 201334716
Issue No.: 6015
Case No.: [REDACTED]
Hearing Date: July 31, 2013
County: Macomb County (#20)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

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 conducted on Wednesday, July 31, 2013, from Detroit, Michigan. The Claimant appeared and testified. Participants on behalf of Department of Human Services (Department) included [REDACTED] (Eligibility Specialist) and [REDACTED], Office of Child Support (OCS) Specialist.

ISSUE

Whether the Department properly denied Claimant's application for Child Development Care (CDC) due to non-compliance with 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. The Claimant applied for CDC benefits.
2. Effective January 10, 2013, the Office of Child Support ("OSC") sanctioned Claimant's case due to non-cooperation for Claimant's failure to respond to several contact letters.
3. On March 6, 2013, the Department denied the CDC application.
4. On March 6, 2013, the Department sent Claimant notice of the denial.

5. On March 11, 2013, Claimant filed a hearing request concerning the Department action.

CONCLUSIONS OF LAW

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

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.

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 (December 2011), p.1. Cooperation is a condition of eligibility. BEM 255, 1. 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, p.10. Cooperation is a condition of eligibility. BEM 255. The Department is not required to restore or reopen benefits for a disqualified member until the client cooperates or support/paternity action is no longer needed. BEM 255. At application a client has 10 days to cooperate with the OCS. The Department will send a verification checklist for the client to contact OCS. The disqualification is imposed if client fails to cooperate on or before the verification checklist due date. BEM 255, p. 12.


In this case, OCS sanctioned Claimant effective January 12, 2013 for failure to respond to two contact letters by 11/29/2012 and 1/3/2013 (Exhibits 1 & 2). Subsequently, Claimant provided OCS with a name and date of birth for the non-custodial parent of her children, but OCS was unable to locate the non-custodial parent in its data system with the information provided. As a result, OCS determined that because Claimant had two children with the same person she willingly failed to provide identifying information such as full legal name, date of birth, social security number, last known address, last known employer, and/or physical description about the non-custodial parent. Claimant testified that she provided all known information about the non-custodial parent. Based on the evidence on record, the Department established it acted in accordance with policy when it denied Claimant's CDC application.

Accordingly, the Department's action is **UPHELD**.

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 established it acted properly when it denied Claimant's CDC application for failure to cooperate with child support requirements.

Accordingly, the Department's CDC determination is hereby, **AFFIRMED**.



Michelle Howie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 8/19/2013

Date Mailed: 8/19/2013

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

MH/hw

cc:

