

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-67298  
Issue No.: 5008  
Case No.: [REDACTED]  
Hearing Date: October 28, 2013  
County: Wayne DHS (17)

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

**HEARING DECISION**

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on October 28, 2013, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist, and [REDACTED] Lead Child Support Specialist.

**ISSUE**

The issue is whether DHS properly imposed a child support disqualification against Claimant before denying Claimant's application for State Emergency Relief (SER).

**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 caretaker for three adopted children.
2. Prior to [REDACTED]/13, Claimant reported that her three children were each adopted.
3. On [REDACTED]/13, DHS imposed a child support disqualification against Claimant for failing to cooperate in determining the paternity of her three adopted children.
4. On [REDACTED]/13, Claimant applied for SER requesting energy services.

5. On [REDACTED]/13, DHS denied Claimant's SER application by determining that Claimant was ineligible because of a prior child support disqualification.

### **CONCLUSIONS OF LAW**

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Family Independence Agency) pursuant to MCL 400.10 and by Mich Admin Code, R 400.7001 through R 400.7049. Department policies are contained in the Department of Human Services Emergency Relief Manual (ERM).

Claimant requested a hearing to dispute a denial of SER. It was not disputed that DHS denied Claimant's SER application based on Claimant's failure to cooperate with child establishing child support.

Groups that are non-cooperative with the Office of Child Support are ineligible for SER. ERM 203 (6/2013), p. 2. SER ineligibility continues as long as the group member fails or refuses to pursue potential resources. *Id.* Sanctioned groups that are able to comply are ineligible for SER until they comply. *Id.*

DHS established that a child support sanction was imposed against Claimant on [REDACTED]/13. Thus, it appears that DHS properly denied Claimant's SER application. Claimant disputed the substance of the child support disqualification.

It was not disputed that the children whose parentage was in issue were children adopted by Claimant. DHS conceded that parents of adopted children do not have an obligation to establish child support as long as the parent informs DHS that children in the household were adopted.

Claimant contended that she always reported to DHS that her children were adopted. Claimant's testimony could be supported or refuted by her document submissions to DHS.

DHS could not present Claimant document submissions from [REDACTED]/2013 (the month of the child support disqualification) or prior to show if Claimant reported her status as a parent of adopted children. During the hearing, DHS checked Claimant's application from [REDACTED]/2013. DHS conceded that the application from [REDACTED]/2013 listed Claimant's children as adopted children. If Claimant reported to DHS in [REDACTED]/2013 that her children were adopted, Claimant likely consistently reported the same prior to [REDACTED]/2013.

Based on the presented evidence, it is found that Claimant reported to DHS that her children were adopted. Accordingly, DHS should not have imposed a child support sanction against Claimant or denied an SER application because of the sanction.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's SER application. It is ordered that DHS perform the following actions:

- (1) reinstate Claimant's SER application dated [REDACTED]/13;
- (2) process Claimant's application subject to the finding that Claimant was cooperative with obtaining support; and
- (3) delete any relevant child support disqualifications from Claimant's disqualification history.

The actions taken by DHS are **REVERSED**.



Christian Gardocki  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: 11/21/2013

Date Mailed: 11/21/2013

**NOTICE OF APPEAL:** 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

2013-67298/CG

If submitted by mail, the written request must be addressed as follows:

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

CG/hw

cc:

