

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-007291
Issue No.: 6001
Case No.: [REDACTED]
Hearing Date: October 06, 2014
County: WAYNE- 49

ADMINISTRATIVE LAW JUDGE: Lynn Ferris

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 3-way hearing was held on October 6, 2014, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Eligibility Specialist. A witness, [REDACTED] from the Office of Child Support (OCS) also appeared.

ISSUE

Did the Department properly denied the Claimant's application for Child to Development and Care (CDC)?

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 on June 24, 2014. The application was denied on June 25, 2014 due to noncooperation with the Office of Child Support regarding the Claimant's child.
2. The Claimant was interviewed on several occasions by the OCS. On June 19, 2014, June 30, 2014, July 17, 2014, and September 26, 2014, the Claimant spoke to the Office of Child Support regarding the identity of the father her child.
3. The OCS issued a Notice of Non-Cooperation on May 6, 2014.

4. The Claimant requested a hearing on July 7, 2014, protesting the denial of her CDC application.

CONCLUSIONS OF LAW

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

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

Additionally, in this case the Office of Child support issued a Non Cooperation Notice on May 6, 2014 due to the Claimant's failure to respond to several letters mailed to the Claimant requesting that she contact OCS to discuss the paternity of her daughter. The non-cooperation status caused the Department to deny the Claimant's application for CDC. BEM 255 (10/1/14), pp. 1.

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.

Absent parents are required to support their children. Support includes **all** of the following:

- Child support.
- Medical support.
- Payment for medical care from any third party.

Cooperation is a condition of eligibility. The following individuals who receive assistance on behalf of a child are required to cooperate in establishing paternity and obtaining support, unless good cause has been granted or is pending:

- Grantee (head of household) and spouse. BEM 255, pp. 9.
- Failure to cooperate without good cause results in ineligibility for CDC.

Bridges will close or deny the CDC EDG when a child support non-cooperation record exists and there is no corresponding comply date. BEM 255, pp.13.

Ultimately, after the CDC application was denied, the OCS had four occasions to speak with the Claimant regarding the paternity and identity of her daughter's father. The OCS spoke to the Claimant on four occasions by telephone, with the last contact on September 26, 2014. During this discussion, the Claimant indicated that she was not sure of the father's name, previously given to OCS as [REDACTED], or birth date of [REDACTED], which she had provided to the Department in prior interviews as early as June 19, 2014. Exhibit 3.

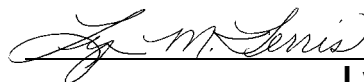
At the hearing, the Claimant testified that she named her daughter using the last name of [REDACTED], but told OCS she was not sure of the father's last name. The undersigned asked the Claimant if she had ever advised the OCS that the birth date she had given them was a guess, she answered no. The OCS searched the U.S. and did not locate any individuals with the name given, or the birth date provided by the Claimant. The Claimant was asked to provide OCS with the address on [REDACTED], where she met with the individual believed to be the father of her child. She did not provide the address. The Claimant was also asked to provide OCS with the telephone number she used to contact the individual she had relations with at the [REDACTED] address, and did not provide the information stating at the hearing she changed phones and did not have the number. The Claimant described her involvement with the individual believed to be her child's father as a "one night stand," but at the hearing admitted to having sexual relations at least two times. The Claimant also had previously told OCS that the person was from [REDACTED], and at the last interview in September indicated that she did not remember what he said. After a review of the entire record, it is determined that the Claimant's testimony provided at the hearing was not credible, her story was consistently inconsistent, and that she did not provide information available to her. Of particular note is that she gave her child the last name of [REDACTED], but told OCS she was not sure this was the father's name. Exhibit 2

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied the Claimant's application for CDC due to a finding of Non Cooperation by the Office of Child Support.

DECISION AND ORDER

Accordingly, the Department's decision is

AFFIRMED.



Lynn Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **10/8/2014**

Date Mailed: **10/8/2014**

LMF / tm

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

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

cc:

A large black rectangular redaction box covers the names and email addresses of the recipients listed under the 'cc:' field.