

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

IN THE MATTER OF:

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████████████████████
████████████████████

Reg. No.: 14-016240
Issue No.: 6011
Case No.: ██████████
Hearing Date: December 17, 2014
County: WAYNE-DISTRICT 49
(GRAND RIVER/WAR)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 three-way telephone hearing was held on December 17, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant, ██████ ██████. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ Hearings Faciliator. Also, Lead Child Support Specialist, ██████████ was present from the Office of Child Support (OCS).

ISSUE

Did the Department properly close Claimant's Child Development and Care (CDC) program benefits effective November 2, 2014, 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 or around July 29, 2014, Claimant was in contact with the OCS because she previously had a non-cooperation date of October 8, 2013. See Exhibit 1, p. 4. However, Claimant was found to be in compliance on July 29, 2014. See Exhibit 1, p. 4.

3. On August 13, 2014, OCS sent Claimant a First Customer Contact Letter regarding the absent father. See Exhibit 2, pp. 2-16.
4. On September 3, 2014, Claimant contacted OCS to inform it she did not have any updated information on the absent father and she would continue to attempt to obtain any information on him. See Exhibit 2, p. 20.
5. On September 13, 2014, OCS sent Claimant a Final Customer Contact letter regarding the absent father. See Exhibit 2, pp. 18-19.
6. On October 7, 2014, OCS sent Claimant a Noncooperation Notice and she was placed in non-cooperation status with OCS that same date. See Exhibit 2, p. 17.
7. On October 9, 2014, the Department sent Claimant a Notice of Case Action notifying her that her CDC benefits would close effective November 2, 2014, ongoing, due to her failure to establish paternity and/or obtain child support. Exhibit 1, pp. 9-13.
8. On October 16, 2014, Claimant contacted OCS to inform it she had provided all the information she knows about the absent parent (i.e., name, date of birth, possible age, and private number). See Exhibit 2, p. 20.
9. On November 13, 2014, Claimant filed a hearing request, protesting the CDC closure. See Exhibit 1, pp. 2-3.
10. On December 1, 2014, OCS conducted a locate request on the absent father and discovered the absent father's alleged cell phone number provided by Claimant is registered to only female names. See Exhibit 2, p. 20.
11. On December 3, 2014, OCS and Claimant conducted a telephone interview, which Claimant provided information about the absent father. See Exhibit 2, p. 20. Claimant indicated she last had contact with the absent father when he came to see the child in November of 2013. See Exhibit 2, p. 20. Also, OCS discovered social media pictures in which the absent father is present with the child on or around early November 2014. See Exhibit 2, pp. 20 and 22.

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.

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 (October 2014), p. 1.

Failure to cooperate without good cause results in disqualification. BEM 255, p. 2. Disqualification includes member removal, as well as denial or closure of program benefits, depending on the type of assistance (TOA). BEM 255, p. 2.

Cooperation is a condition of eligibility. BEM 255, p. 9. Cooperation is required in all phases of the process to establish paternity and obtain support. BEM 255, p. 9. It includes all of the following:

- Contacting the support specialist when requested.
- Providing all known information about the absent parent.
- Appearing at the office of the prosecuting attorney when requested.
- Taking any actions needed to establish paternity and obtain child support (including but not limited to testifying at hearings or obtaining genetic tests).

BEM 255, p. 9.

For CDC income eligible cases, the failure to cooperate without good cause results in ineligibility for CDC. BEM 255, p. 13. 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. 13.

In this case, Claimant argued that she attempted to provide all known information about the absent parent to OCS. Claimant's testimony indicated that she and/or the child have seen the absent father on the following three occasions: (i) saw the child at the time of birth (November 2013); (ii) only Claimant saw the absent father on her birthday (April 2014); and (iii) absent father saw the child in November 2014. The November 2014 encounter involves the social media pictures in which the absent father is present with the child. See Exhibit 2, pp. 20 and 22. Claimant does not dispute that he is the absent father located in the photos. See Exhibit 2, p. 20 and 22. Finally, during the hearing, Claimant provided a possible address location of the absent father, which she did not previously provide to OCS. Claimant testified she learned of the possible address location in April 2014.


In response, OCS argued that Claimant is not providing all known information about the absent parent. OCS had multiple contacts with the Claimant; however, OCS testified that Claimant is not being forthcoming about the absent father; therefore, it demonstrates that she is still in non-cooperation.

Based on the foregoing information and evidence, the Department properly closed Claimant's CDC benefits effective November 2, 2014, ongoing, in accordance with Department policy. This Administrative Law Judge (ALJ) finds that Claimant did not credibly testify that she had provided all known information about the absent parent to OCS. For example, the evidence indicated that Claimant and/or her child encountered the absent father in November 2013; April 2014; and November 2014. However, the evidence presented that on December 3, 2014, Claimant informed OCS she last saw the alleged father in November 2013 and when she was eight months pregnant. See Exhibit 2, p. 20. Based on this information, Claimant did not provide all known information to OCS, especially the encounter with the absent father in April 2014 and November 2014. In fact, Claimant provided a possible address location of the absent father during the hearing, which she acknowledged she had not previously provided to OCS. Claimant had multiple contacts and opportunities to provide such known information to OCS, but she did not. See Exhibit 2, p. 20. As such, the evidence presented that Claimant was not cooperative in all phases of the process to OCS because she did not provide all known information about the absent parent. See BEM 255, p. 9. Therefore, the Department properly closed Claimant's CDC benefits based on the non-cooperation. See BEM 255, pp. 1-2, 9, and 13.

DECISION AND ORDER

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 properly closed Claimant's CDC benefits effective November 2, 2014.

Accordingly, the Department's CDC decision is **AFFIRMED**.


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

Date Signed: **12/19/2014**

Date Mailed: **12/19/2014**

EJF / cl

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 48909-8139

CC:

[REDACTED]