

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-002429
Issue No.: 6001
Case No.: [REDACTED]
Hearing Date: August 11, 2014
County: WAYNE-57 (CONNER)

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 telephone hearing was held on August 11, 2014, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. [REDACTED] also appeared as a witness. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Eligibility Specialist and [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly close the Claimant's Child Development and Care (CDC) benefits case due to Non-Cooperation with the Office of 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 Department issued a Notice of Case Action on February 25, 2014, and closed the Claimant's CDC case effective February 9, 2014, due to the Claimant's failure to cooperate in establishing paternity or securing child support. Exhibit 2
2. The Department issued a Notice of Case Action on November 27, 2013, which approved the Claimant for CDC benefits for her son effective December 15, 2013. In the same Notice of Case Action, effective January 1, 2014, the Claimant's food assistance was changed and the Claimant was removed from her FAP group due to her failure to cooperate with child support requirements. She was advised to contact the office of child support. Exhibit 3

3. The Claimant was sent a Non-Cooperation notice, dated November 27, 2013, to 6732 Clifton St., Detroit, MI 48201, by the Office of Child Support. The Claimant did receive this notice when her mail was forwarded to her.
4. The Claimant was found in Non-Cooperation effective November 25, 2013, and was placed in cooperation on April 1, 2014. Exhibit 1
5. The Claimant requested a hearing on May 6, 2014 indicating she was found in cooperation.

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, the Claimant requested a hearing to dispute the Department's closure of her CDC benefits case due to Non-Cooperation with the Office of Child Support's efforts to determine the paternity of her daughter. The Department sent two notices of case action to the Claimant to her correct address, the first on November 27, 2013, and the second notice on February 25, 2014. Both notices affected her benefits due to Non-Cooperation. Exhibits 2 and 3. The Claimant said she did not receive either notice. Based upon well-established law, it is determined that the Claimant received the notices as they were properly addressed and mailed. The proper mailing and addressing of a letter creates a presumption of receipt. That presumption may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 638 (1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976).

The Claimant also received notice sometime in March that she was in Non-Cooperation because her mail was forwarded to her at which time she contacted OCS and remedied the situation by April 1, 2014. Unfortunately, the Claimant's CDC case had closed effective February 9, 2014, based upon the Notice of Case Action dated February 25, 2014. Exhibit 2. Because the CDC case had closed, the Department could not reinstate Claimant's CDC benefits, as she needed to reapply. BAM 600 provides that if a hearing request is filed within 90 days, as was the case here, benefits continue at the

current level; [REDACTED] for these benefits as the case was closed. BAM 600, (10/1/14), pp.24.

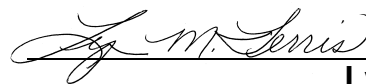
Because Claimant's FAP and Medical Assistance benefits were still ongoing, at the time of the February 25, wo14 Notice of Case Action the Claimant was restored to her FAP group and her medical benefits were also restored, but not her CDC benefits. Based upon policy found in BEM 255, it is determined that the Department properly closed the Claimant's CDC case when she was found in Non-Cooperation. The Claimant may reapply for CDC at any time.

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 closed the Claimant's CDC due to Non-Cooperation with 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:

