

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 15-002988
Issue No.: 3000; 5000; 6001
Case No.: ██████████
Hearing Date: March 30, 2015
County: MACOMB-20 (WARREN)

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 March 30, 2015, from Detroit, Michigan. Participants on behalf of Claimant included ██████████. Participants on behalf of the Department of Human Services (Department) included ██████████, Hearings Facilitator.

ISSUE

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

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 applied for CDC benefits on January 29, 2015.
2. This application was denied, but no evidence was presented as to the exact date of the denial.
3. The application was denied, ostensibly, for excess income and non-cooperation with the Office of Child Support (OCS).
4. No evidence was submitted showing the income amounts used in calculating Claimant's CDC benefits.
5. No evidence was provided to support the non-cooperation sanction in question.

6. The non-cooperation sanction was levied on February 18, 2015 in regards to a child in the household for whom both parents currently reside in the household, and provide support.
7. On February 24, 2015, Claimant requested a hearing.

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.

It should be noted that Claimant had also originally requested a hearing with regards to Food Assistance Program (FAP) benefits and State Emergency Relief (SER) benefits; however, Claimant testified on the record that she had no current grievance with the Department with regard to those programs, as the issues she had with regards to actions taken with those programs have been resolved. Therefore, the FAP and SER portion of this case is, hereby, DISMISSED.

With regards to the CDC portion of the case, the Department has failed to provide evidence showing that Claimant's income was correctly calculated. While budgets were provided, no evidence was provided to show that the numbers and income used when calculating the CDC budget were correct. As such, the undersigned must hold that the Department has failed to meet its burden of proof in showing that Claimant's CDC benefits were calculated correctly.

Additionally, Claimant's CDC application was ostensibly denied for failing to cooperate with OCS. While there is some question as to which CDC application was denied for this non-cooperation sanction, the Department was unable to provide a notice of case action in the case, and furthermore, the sanction in question was levied before Claimant requested a hearing.

In light of the fact that the Department was unable to provide an actual date or reason for the CDC denial in question, the undersigned must thus hold that the application was denied for reasons alleged by the Claimant and generally agreed to by the Department: the OCS non-cooperation sanction.

However, no evidence was provided in support of this sanction. OCS did not appear to testify at the hearing (and indeed, the undersigned was unaware that there was non-cooperation sanction until well after the hearing had commenced), and furthermore, the Department agreed that the non-cooperation sanction in question was levied on behalf of a child in the Claimant's household for whom which both parents are currently residing.

As the child in question currently resides with both biological parents, the undersigned cannot think of a valid reason for a non-cooperation sanction. Therefore, as there is no evidence that the non-cooperation sanction is valid, and evidence that the non-cooperation sanction is invalid, the undersigned holds that the non-cooperation sanction in question that has been placed on Claimant's benefit case is invalid, and must be removed, retroactive to the date it was first applied.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Claimant's CDC application of January 29, 2015, and levied a child support non-cooperation sanction on Claimant's benefit case.

DECISION AND ORDER

Accordingly, the Department's decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reregister and reprocess Claimant's CDC application of January 29, 2015.

2. Remove the child support non-cooperation sanction that has been placed on Claimant's DHS benefit case, retroactive to the date it was applied, February 18, 2015.



Robert J. Chavez
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **3/31/2015**

Date Mailed: **3/31/2015**

RJC / 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

