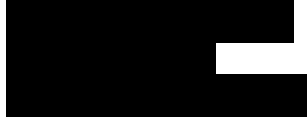


STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

**IN THE MATTER OF:**



Reg. No.: 15-000395  
Issue No.: 5011  
Case No.: [REDACTED]  
Hearing Date: February 24, 2015  
County: JACKSON

**ADMINISTRATIVE LAW JUDGE:** Darryl Johnson

**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 February 24, 2015, from Lansing, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included Assistance Payments Supervisor [REDACTED] and Eligibility Specialist [REDACTED]. [REDACTED], Lead Child Support Worker, testified on behalf of the Office of Child Support (OCS).

**ISSUE**

Did the Department properly deny Claimant's application 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 applied for SER benefits on December 29, 2014.
2. On December 29, 2014, the Department denied Claimant's application due to alleged non-cooperation with the OCS.
3. On January 6, 2015, Claimant filed a hearing request, protesting the Department's actions.

## 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), and Department of Human Services Reference Tables Manual (RFT).

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 Mich Admin Code, R 400.7001 through R 400.7049.

The Department's philosophy and policy with respect to child support cooperation is found in BEM 255.

“Families are strengthened when children's needs are met. Parents have a responsibility to meet their children's needs by providing support and/or cooperating with the department, including the Office of Child Support (OCS), the Friend of the Court (FOC) and the prosecuting attorney to establish paternity and/or obtain support from an absent parent.” “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.”

When it comes to FIP, CDC Income Eligible, MA and FAP,

“Failure to cooperate without good cause results in disqualification. Disqualification includes member removal, as well as denial or closure of program benefits, depending on the type of assistance (TOA); see Support Disqualification in this item.”

At page 9 of BEM 255, the applicant's responsibility to cooperate with respect to child support is described more fully:

Cooperation is required in all phases of the process to establish paternity and obtain support. 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).

While BEM 255 does not explicitly mention SER, additional policy is found at ERM 203 (10/1/13) page 2, which states:

When an SER group member has been denied or terminated assistance for failure to comply, when able, with a procedural requirement of FIP, SDA or SSI, the group is not eligible for SER. Groups that are non-cooperative with the Office of Child Support are also ineligible for SER.

SER ineligibility continues as long as the group member fails or refuses to pursue potential resources. Sanctioned groups that are able to comply are ineligible for SER until they comply.

The OCS mailed letters to Claimant on May 4, 2012, September 13, 2012, and September 22, 2014. The last letter informed her that she was considered to be non-cooperative with OCS because she did not respond to the first letter within 21 days, and did not respond to the second letter within 14 days. It also noted that she did not provide the OCS with information about the child's father.

Claimant testified that the child at issue was born [REDACTED]. She believes the child was conceived around [REDACTED]. She was having a cookout at her home to celebrate the [REDACTED]. Her children were there. Her sisters and their children were also there. A boyfriend of one of her sisters was there as well. They were shooting off fireworks. A man walked by and commented on the fireworks. Claimant invited him to stay and watch the fireworks, which he did. When the fireworks were over, her youngest sister left. The rest of them continued their revelry, which included playing pool in the basement rec room and then watching a couple of [REDACTED] movies. The man, whom she said she only knew as "[REDACTED]" spent the night with her. He left the next morning around 10:00. She said she gave him her phone number but she never heard from him again.

Claimant is visually impaired. She was married at the time she became pregnant. She testified that she has paperwork that proves her ex-husband was excluded as the father, but she never provided that to the Department. She testified that neither she nor her sisters obtained any information about the man at the party such as his name, his address (other than that he said he was from Lansing), or his occupation.

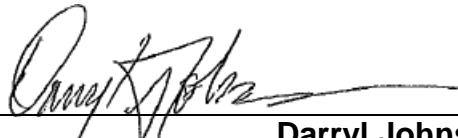
Claimant was not a credible witness. She testified that the man was about 5'7" or 5'8", and that he was about 200 pounds. She said he "was a little chunky." When she talked with the Department in June 2012, she said he was about 150 pounds. During the hearing, she said they watched a couple of [REDACTED] movies after the fireworks. In her conversation with the Department, she said they watched a movie. She testified that he had letters tattooed on his arm and on his belly, but she could not remember what the letters were. During her conversation with the Department, she only said that

he had a tattoo on his belly. While it is possible, it seems highly unlikely that she – and her sisters – would allow a man they know almost nothing about to spend the night, especially when there were children in the home. The undersigned believes she has more information about the man than she is disclosing.

The Administrative Law Judge, based upon 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 Claimant's application for SER based upon her non-cooperation with the OCS.

**DECISION AND ORDER**

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

  
\_\_\_\_\_  
**Darryl Johnson**  
Administrative Law Judge  
for Nick Lyon, Interim Director  
Department of Human Services

Date Signed: **2/25/2015**

Date Mailed: **2/25/2015**

DJ/jaf

**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:

