

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 15-013088
Issue No.: 6000 6011
Case No.: ██████████
Hearing Date: September 16, 2015
County: Wayne (17)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 September 16, 2015, from Detroit, Michigan. Participants included the above-named Claimant. ██████████, Claimant's mother, testified on behalf of Claimant. Participants on behalf of the Michigan Department of Health and Human Services (MDHHS) included ██████████, specialist.

ISSUES

The first issue is whether Claimant timely requested a hearing to dispute a denial of Child Development and Care (CDC) benefits from 2014.

The second issue is whether MDHHS properly denied Claimant's CDC application dated April 3, 2015, due to alleged child support non-compliance.

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 in April 2014 and September 2014.
2. MDHHS denied Claimant's applications and mailed written notice of the denials to Claimant in 2014.
3. As of December 17, 2014, Claimant was compliant with establishing child support.
4. On April 3, 2015, Claimant reapplied for CDC.

5. On May 18, 2015, MDHHS denied Claimant's application due to an alleged Claimant's failure to establish paternity and/or obtain child support for a child.
6. On July 17, 2015, Claimant requested a hearing to dispute the denial of CDC benefits.

CONCLUSIONS OF LAW

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. MDHHS 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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Claimant testified she requested a hearing to dispute the absence of CDC benefits since December 2014. Claimant did not identify a specific MDHHS action in dispute.

MDHHS presented credible and undisputed testimony that Claimant applied for CDC benefits in April 2014 and September 2014. Claimant's testimony conceded that she received notice of both denials in 2014- shortly after she applied.

The client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. BAM 600 (April 2015), p. 6. The request must be received in the local office within the 90 days. *Id.*

Claimant testified she would have requested a hearing sooner had she not been repeatedly told by MDHHS staff that she could not request a hearing. Even if Claimant's testimony was accurate, it is not a reasonable excuse for failing to request a hearing within 90 days of receiving written notice.

Claimant submitted a hearing request to MDHHS on July 17, 2015. Though the exact dates of written notice of the 2014 application denials are not known, it is known that both application were denied more than 90 days from before Claimant requested a hearing. Accordingly, Claimant's hearing request will be dismissed concerning the denial of her CDC applications from April 2014 and September 2014.

It was not disputed that Claimant reapplied for CDC benefits on April 3, 2015. MDHHS presented a Notice of Case Action (Exhibits 1-2) dated May 18, 2015, verifying the basis for denial was a failure by Claimant to cooperate with establishing paternity and/or child support for a child. It should be noted that Claimant timely disputed the application denial because her hearing request was submitted within 90 days after MDHHS sent written notice of denial.

Concerning CDC benefit eligibility, 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 (10/2013), p. 1. Failure to cooperate without good cause results in disqualification. *Id.*, p. 2. Disqualification includes member removal, as well as denial or closure of program benefits, depending on the type of assistance. *Id.* The support specialist (i.e. OCS) determines cooperation for required support actions. *Id.*, p. 10.

MDHHS testimony conceded that Claimant was cooperative with obtaining child support as of December 17, 2014. MDHHS testimony also conceded that Claimant's application dated April 3, 2015, was improperly denied because Claimant was cooperative with obtaining child support long before she applied for CDC benefits. The MDHHS concessions were consistent with presented evidence. It is found that MDHHS improperly denied Claimant's application dated April 3, 2015.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that Claimant failed to timely request a hearing to dispute denials of CDC application submitted to MDHHS in April 2014 and September 2014. Claimant's hearing request is **PARTIALLY DISMISSED**.

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly denied Claimant's application for CDC benefits. It is ordered that MDHHS perform the following actions:

- (1) re-register Claimant's application dated April 3, 2015; and
- (2) initiate processing of Claimant's application subject to the finding that Claimant was compliant with obtaining child support as of December 17, 2014.

The actions taken by MDHHS are **REVERSED**.



Christian Gardocki

Administrative Law Judge
for Nick Lyon, Director

Department of Health and Human Services

Date Signed: **9/16/2015**

Date Mailed: **9/16/2015**

GC/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

