



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
Christopher Seppanen  
Executive Director

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: March 3, 2017  
MAHS Docket No.: 17-001178  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Vicki Armstrong

### **HEARING DECISION**

Following Petitioner'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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on March 1, 2017, from Lansing, Michigan. Petitioner personally appeared and testified.

The Department of Health and Human Services (Department) was represented by Hearing Facilitator, [REDACTED], and Office of Child Support Lead Worker, [REDACTED]. [REDACTED] testified on behalf of the Department. The Department submitted Exhibit A, pages 1-13, and Exhibit B, pages 1-16, which were admitted into evidence. The record was closed at the conclusion of the hearing.

### **ISSUE**

Did the Department properly deny Petitioner's application for Child Development and Care (CDC) program 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. On June 9, 2016, the Office of Child Support issued a First Customer Contact Letter to Petitioner, instructing her to give information about the absent parent because she was receiving public assistance. [Dept. Exh. A6-7].

2. On June 18, 2016, the Office of Child Support issued Petitioner a Final Customer Contact Letter, instructing Petitioner to assist them in starting a child support case. [Dept. Exh. A9].
3. On June 21, 2016, Petitioner contacted the Office of Child Support. Petitioner informed the Office that she had met her child's father on [REDACTED] and [REDACTED]. She said his name was [REDACTED] and she did not have his full name, address, date of birth, phone number or family or friend information. She described [REDACTED] as a black male, approximately [REDACTED] feet tall, [REDACTED] pounds, with [REDACTED] hair, and [REDACTED] eyes. She reported her child was conceived at a house on [REDACTED]. Petitioner stated that the only time she saw [REDACTED] was when she conceived the child. [Dept. Exh. B15].
4. On Jun 26, 2016, the Office of Child Support issued a Non-cooperation Notice to Petitioner informing her that a failure to cooperate with the child support program would result in a reduction of benefits or case closure of her benefits unless she had a valid good-cause reason. [Dept. Exh. A12].
5. On July 11, 2016, the Department issued a Supplemental Hearing Summary Non-Cooperation Explanation of Action Taken by Office of Child Support to Petitioner. [Dept. Exh. A4].
6. On January 11, 2017, Petitioner applied for CDC. [Dept. Exh. A13].
7. On January 11, 2017, the Department issued Petitioner a Verification Checklist instructing her to comply with the Office of Child Support, due back by January 23, 2017. [Dept. Exh. A13].
8. On January 19, 2017, Petitioner requested a hearing, prior to a denial of benefits. [Dept. Exh. A2].
9. Petitioner stated during the hearing in the above captioned matter, that the child's father, [REDACTED], used to work at the [REDACTED] gas station on [REDACTED] and [REDACTED]. She also stated that the next time she was in [REDACTED], she would go to [REDACTED] Aunt's house and try to get a current address for [REDACTED] and his last name. [Testimony of [REDACTED], 3/1/2017].

### **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, Mich

Admin Code, R 792.11001-11018. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance is denied or is not acted upon with reasonable promptness. Mich Admin Code, R 792.11002.

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 only issue raised during the hearing in the above captioned matter, was whether Petitioner was barred from receiving CDC benefits due to her non-cooperation status with the Office of Child Support.

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever they believe the decision is incorrect. BAM 600, p 1 (10/1/2016). The Department will provide an administrative hearing to review the decision and determine the appropriateness in accordance with policy. *Id.*

The Department's philosophy regarding Child Support is that families are strengthened when children's needs are met. BEM 255, p 1 (4/1/2015). 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, and the prosecuting attorney to establish paternity and/or obtain support from an absent parent. *Id.*

Clients 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. *Id.* Absent parents are required to support their children. *Id.* Support includes child support, medical support, and payment for medical care from any third party. *Id.* For purposes of this item, a parent who does not live with the child due solely to the parent's active duty in a uniformed service of the U.S. is considered to be living in the child's home. *Id.*

Failure to cooperate without good cause results in disqualification. *Id.* at 2. Disqualification includes member removal, denial of program benefits or closure of program benefits, depending on the type of assistance. However, a pregnant woman who fails to cooperate may still be eligible for Medicaid. *Id.* at 2.

Exceptions to the cooperation requirement for FIP, CDC income eligible, Medicaid and FAP programs are allowed for all child support actions except failure to return court-ordered support payments received after the support certification effective date. *Id.* at 2. Good cause is granted only if requiring cooperation/support action is against

the child's best interests, and there is a specific "good cause" reason. *Id.* at 3. If good cause exists, cooperation is excused as an eligibility requirement for the child involved, but it can still be required for another child in the same family. BEM 255.

Cooperation is a condition of eligibility. *Id.* at 9. The grantee and spouse, the specified relative/person acting as a parent and spouse, and the parent of the child for whom paternity and/or support action is required in the eligible group, are required to cooperate in establishing paternity and obtaining support, unless good cause has been granted or is pending. *Id.* Cooperation is required in all phases of the process to establish paternity and obtain support and 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 (e.g., testifying at hearings or obtaining genetic tests). *Id.*

The support specialist determines cooperation for required support actions. *Id.* at 10. Cooperation is assumed until negative action is applied as a result of non-cooperation being entered. The non-cooperation continues until a comply date is entered by the primary support specialist or cooperation is no longer an eligibility factor. *Id.* Bridges applies the support disqualification when a begin date of non-cooperation is entered and there is no pending or approved good cause. The disqualification is not imposed if any of the following occur on or before the timely hearing request date:

- . The Office of Child Support (OCS) records the comply date.
- . The case closes for another reason.
- . The non-cooperative client leaves the group.
- . Support/paternity action is no longer a factor in the child's eligibility (e.g., the child leaves the group).
- . Client cooperates with the requirement of returning support payments to the Department and the support is certified. *Id.* at 11.

In this case, Petitioner's testimony at the hearing contradicted the earlier information she had provided to the Office of Child Support. Originally, Petitioner told the Office of Child Support that her only contact with the child's father, [REDACTED], had been when she met [REDACTED] on the day her child was conceived.

However, during the hearing, Petitioner stated she had told the Office of Child Support that [REDACTED] had been working at the [REDACTED] gas station on [REDACTED] and [REDACTED]. Petitioner provided the Office of Child Support with the telephone number to the [REDACTED] gas station. [REDACTED], the Lead Worker for the Office of Child Support, called the [REDACTED] gas station during the hearing and spoke with the manager. [REDACTED] credibly testified that the Manager stated that an "[REDACTED]", or "[REDACTED]" (a nickname Petitioner provided during the telephone call but had failed to mention earlier), had never been employed by the [REDACTED] gas station.

In addition, Petitioner stated during the hearing that the next time she was in [REDACTED], she would walk over to [REDACTED] Aunt's house and ask if the Aunt had a current telephone number, or address for [REDACTED], so she could provide it to the Office of Child Support.

When Petitioner was questioned by [REDACTED] regarding the inconsistencies in her testimony, between her testimony and previous statements she had made to the Office of Child Support, Petitioner's responses were less than credible.

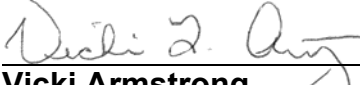
The Administrative Law Judge finds that Petitioner did not establish a good cause reason for failing to cooperate with the Office of Child Support based on her less than credible testimony and the inconsistencies in her testimony.

### **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, finds that the Department acted in accordance with Department policy when it denied Petitioner's application for CDC based on her noncooperation status with the Office of Child Support.

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

VLA/bb



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**Vicki Armstrong**

Administrative Law Judge

for Nick Lyon, Director

Department of Health and Human Services

**NOTICE OF APPEAL:** A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

**DHHS**

[REDACTED]

**Department Representative**

[REDACTED]

**Petitioner**

[REDACTED]