



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: April 10, 2017
MAHS Docket No.: 17-002390
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Eric J. Feldman

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 three-way telephone hearing was held on March 22, 2017, from Detroit, Michigan. The Petitioner was represented by her mother/Authorized Hearing Representative (AHR), [REDACTED]; and Petitioner was also present at the hearing and provided testimony. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearings Facilitator. Also, [REDACTED], Lead Child Support Specialist, participated via telephone from the Office of Child Support ("OCS").

ISSUE

Did the Department properly deny Petitioner's ongoing eligibility for Child Development and Care (CDC) program benefits effective March 5, 2017?

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 January 17, 2017, Petitioner applied for CDC benefits.
2. In the application, Petitioner reported her two twin children as part of the household, Child A and Child B (date of births of [REDACTED]).
3. In the application, Petitioner listed her friend's last name as Child A's and Child B's absent father, even though Petitioner knew this was inaccurate.

4. On January 21, 2017, the OCS sent Petitioner a First Customer Contact Letter.
5. On January 23, 2017, the Department sent Petitioner a Notice of Case Action notifying her that she was approved for CDC benefits from January 8, 2017 to February 3, 2018. Exhibit A, p. 6.
6. On January 31, 2017, the OCS sent Petitioner a Final Customer Contact Letter.
7. Petitioner failed to reply to OCS's contact letters.
8. On February 9, 2017, the OCS sent Petitioner a Noncooperation Notice.
9. Effective February 9, 2017, ongoing, Petitioner was in non-cooperation with the OCS regarding the failure to identify the absent father for Child A and Child B. Exhibit A, pp. 7-8.
10. On February 11, 2017, the Department sent Petitioner notifying her that her CDC benefits were denied effective March 5, 2017, due to her failure to cooperate with OCS. Exhibit A, pp. 3-5.
11. On February 16, 2017, Petitioner contacted OCS for the first time and indicated she did not want to pursue and claimed good cause, but did not provide any good cause reasoning.
12. On February 17, 2017, Petitioner contacted OCS and indicated she did not have any information about the absent father.
13. On February 22, 2017, Petitioner filed a hearing request, protesting the Department's action. Exhibit A, p. 3.
14. On March 7, 2017, Petitioner contacted OCS; however, she remained in non-cooperation with OCS.

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 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.

Families are strengthened when children's needs are met. BEM 255 (January 2017), p. 1. 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. BEM 255, p. 1.

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, p. 1.

Failure to cooperate without good cause results in disqualification. BEM 255, p. 2 and pp. 2-7 (good cause policy). Disqualification includes member removal, as well as denial or closure of program benefits, depending on the type of assistance (TOA). BEM 255, p. 2.

Cooperation is a condition of eligibility. BEM 255, p. 9. Cooperation is required in all phases of the process to establish paternity and obtain support. BEM 255, p. 9. 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).

BEM 255, p. 9.

For CDC income eligible cases, failure to cooperate without good cause, with OCS requirements for a child requesting or receiving benefits will result in group ineligibility for CDC. BEM 255, p. 13. The Department will close or deny the CDC Eligibility Determination Group (EDG) when a child support non-cooperation record exists and there is no corresponding comply date. BEM 255, p. 13 and BEM 703 (January 2017), pp. 3 and 15-16 (CDC may be provided for income-eligible clients who cooperate with child support requirements).

In the present case, the OCS argues that Petitioner is in non-cooperation due to her failure to establish paternity and/or obtain child support regarding the absent father. The OCS caseworker testified that on February 16, 2017, Petitioner contacted OCS for the first time and indicated she did not want to pursue child support and claimed good cause, but did not provide any good cause reasoning. It should be noted that the

undersigned Administrative Law Judge (ALJ) went through the two types of good cause reasoning with Petitioner listed in BEM 255; however, her testimony indicated she did not qualify for any good cause reason. BEM 255, pp. 3-4. The OCS caseworker testified that on February 17, 2017, Petitioner contacted OCS and indicated she did not have any information about the absent father. The OCS caseworker further indicated that the Department's system (Bridges) possibly identified the absent father and spoke to Petitioner on March 7, 2017. The OCS caseworker testified that Petitioner would not confirm that the name listed as the absent father was the absent parent and the absent father's name listed was her friend. Also, Petitioner was unable to provide any information about the absent parent on March 7, 2017. As such, the OCS caseworker maintained that Petitioner is still in non-cooperation with OCS.

In response, Petitioner and her AHR claimed that Petitioner did not know who the absent father of Child A and Child B was. The AHR's testimony concentrated on what she can do to resolve the non-cooperation for her daughter, Petitioner. Moreover, it was discovered that Petitioner listed her friend's last name as Child A's and Child B's absent father, even though Petitioner knew this was inaccurate. Petitioner testified that she was unable to move onto the next page of the application without providing a name; thus, she listed her friend, despite knowing this was incorrect.

Based on the foregoing information and evidence, the Department properly denied Petitioner's ongoing eligibility for CDC benefits effective March 5, 2017. Petitioner did contact OCS on February 16, 2017; February 17, 2017; and March 7, 2017; however, the evidence established that she was unable to provide any identifiable information about the absent father. In fact, Petitioner informed OCS she did not want to pursue the case and claimed good cause, but it was discovered later in the hearing that Petitioner had no good cause reason. BEM 255, pp. 3-4. Furthermore, Petitioner listed her friend as Child A's and Child B's absent father, even though Petitioner knew this was inaccurate. Petitioner testified that she listed his name because she was unable to move onto the next page of the application without providing some name. However, the undersigned ALJ finds that such actions by Petitioner of listing an improper name is against policy. Specifically, BAM 105, which states that clients must completely and truthfully answer all questions on forms and in interviews. BAM 105 (October 2016), p. 9. Nonetheless, BEM 255 states that cooperation is a condition of eligibility, which includes contacting the support specialist when requested and providing all known information about the absent parent. BEM 255, p. 9. In the present case, the undersigned ALJ finds that Petitioner has not been cooperative with the OCS in all phases of the process to establish paternity and obtain support based on her failure to respond to the contact letters and her failure to provide any identifiable information about the absent father.

Accordingly, the undersigned ALJ affirms the Department's decision to deny her ongoing eligibility for CDC benefits due to her non-cooperation with the OCS. See BEM 225, pp. 9 and 13 and BEM 703 pp. 3 and 15-16.

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, if any, finds that the Department acted in accordance with Department policy when it properly denied Petitioner's ongoing CDC benefits effective March 5, 2017.

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

EF/tm



Eric J. Feldman

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]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

AHR

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

CC:

[REDACTED]
[REDACTED]