



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

Date Mailed: December 14, 2018
MAHS Docket No.: 18-011113
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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; 42 CFR 438.400 to 438.424; 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 December 13, 2018, from Detroit, Michigan. Petitioner represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Pathways to Potential and [REDACTED] Lead Specialist with the Office of Child Support (OCS).

ISSUE

Did the Department properly deny Petitioner's application for State Emergency Relief (SER) for failing to cooperate with the OCS?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. In [REDACTED], Petitioner gave birth to a child.
2. Because of the birth of a new child, the OCS reviewed Petitioner's case and discovered that paternity had not been established for Petitioner's [REDACTED].
3. On January 28, 2018, the OCS sent Petitioner a first customer contact letter which required Petitioner to complete an online form within 10 days.
4. Petitioner failed to complete the form.
5. On February 5, 2018, the OCS sent Petitioner a second customer contact letter which required Petitioner to contact the OCS by February 13, 2018.

6. Petitioner failed to contact the OCS.
7. On February 14, 2018, the OCS sent Petitioner a notice of noncompliance.
8. On August 28, 2018, there was contact between Petitioner and the OCS; however, when Petitioner was asked about the father of her child, the call was disconnected.
9. On October 17, 2018, Petitioner submitted an application for SER benefits.
10. On October 18, 2018, the Department sent Petitioner a State Emergency Relief Decision Notice which notified Petitioner that her application had been denied for failure to cooperate with the OCS.
11. On October 29, 2018, Petitioner filed a Request for Hearing disputing the department's actions.

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 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 Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

Additionally, 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 (July 2018), p. 1. Further, cooperation is a condition of eligibility. The following individuals who receive assistance on behalf of a child are required to cooperate in establishing paternity and obtaining support, unless good cause has been granted or is pending:

- Grantee (head of household) and spouse.
- Specified relative/individual acting as a parent and spouse.
- Parent of the child for whom paternity and/or support action is required.

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). BEM 255, p. 9.

Under Department policy, low-income households who meet all State Emergency Relief (SER) eligibility requirements may receive assistance to help them with household heat and electric costs. Funding for energy services assistance is provided through the Low Income Home Energy Assistance Program (LIHEAP). A household may receive one SER payment for heat and one for non-heat electricity, up to the SER cap, each fiscal year. ERM 301 (October 2018), p. 1.

In this case, Petitioner gave birth to a child in [REDACTED]. The OCS testified that because of the new birth, it reviewed Petitioner's file. It was at that time that it was discovered that paternity had not been established for Petitioner's [REDACTED]. The OCS indicated that it sent two letters to Petitioner which required her to take action. The OCS further indicated that Petitioner failed to take the required action. As a result, Petitioner was placed in noncompliance. The Department testified that because Petitioner had been placed in noncompliance, it was required to deny her application for SER benefits.

Petitioner testified that she never received the documents sent by the OCS. Petitioner further asserted that she was in constant contact with her assigned case worker relating to the paternity of her [REDACTED]. Petitioner indicated that initially the Department determined that the father of her younger children was also the father of her [REDACTED]. Petitioner testified that the father of her younger children was subsequently ruled out as the father of her [REDACTED].

At the hearing, Petitioner testified that she has not seen the father of the [REDACTED] in [REDACTED]. Petitioner previously provided the name [REDACTED], to the OCS. At the hearing, Petitioner provided a name [REDACTED]. Petitioner explained that [REDACTED] are the same person to the best of her knowledge. Petitioner indicated that when the OCS told her that it could not find a match for [REDACTED] she asked around and was given an alternate name [REDACTED]. Petitioner indicated that other than his age and generic body features, she was unable to provide any additional information. Petitioner indicated that she has communicated the same information to her worker in the past. Petitioner's assigned case worker did not appear at the hearing and therefore was unable to dispute Petitioner's testimony. It is therefore found that Petitioner has provided as much information as she can and therefore should not be placed in noncooperation status.

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 did not act in accordance with Department policy when it placed Petitioner in noncooperation status and also when it denied Petitioner's application for SER benefits.

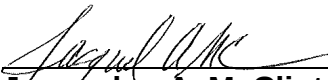
DECISION AND ORDER

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. Remove the noncooperation status from Petitioner's case;
2. To the extent the emergency still exists, reregister and reprocess Petitioner's application for SER benefits; and
3. Notify Petitioner in writing of its decision.

JAM/tlf



Jacquelyn A. McClinton
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) 763-0155; 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

Via Email:

[REDACTED]

Petitioner – Via First-Class Mail:

[REDACTED]