



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

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Date Mailed: December 27, 2018
MAHS Docket No.: 18-012040
Agency No.: ██████████
Petitioner: ██████████ ██████████

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

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; 45 CFR 99.1 to 99.33; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on December 19, 2018, from Lansing, Michigan. Petitioner, ██████████ ██████ appeared with her mother, ██████████ ██████ Family Independence Manager, Sheila Crittenden, and Lead Support Specialist, Lynne Crittendon, appeared for the Department. Neither party had any additional witnesses.

Two exhibits were admitted into evidence during the hearing. A 14-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A, and an 8-page packet of documents provided by Petitioner was admitted collectively as Petitioner's Exhibit 1.

ISSUE

Did the Department properly determine Petitioner's Child Development and Care (CDC) eligibility?

FINDINGS OF FACT

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

1. Petitioner applied for assistance from the Department, including CDC.
2. The Department required Petitioner to cooperate with the Office of Child Support in order to receive assistance.
3. Petitioner advised the Office of Child Support that there was only one potential paternal parent of her minor child. The prosecutor's office located the potential

paternal parent that Petitioner identified and obtained a DNA sample to perform genetic testing. The results of the test indicated that the potential paternal parent was not a parent of Petitioner's minor child. Petitioner disputed the results, so the prosecutor's office performed another test. The results of the second test also indicated that the potential paternal parent was not a parent of Petitioner's minor child.

4. On October 16, 2018, the Department issued a final notice to Petitioner to cooperate with the Office of Child Support by October 24, 2018. The Department advised Petitioner of her right to assert good cause for non-compliance.
5. Petitioner refused to identify any potential paternal parent of her minor child other than one individual who was ruled out as a paternal parent by genetic testing. Petitioner continued to dispute the results of the genetic testing which ruled out the one individual she identified as the potential paternal parent of her minor child.
6. On October 25, 2018, the Department found Petitioner to be non-cooperative with the Office of Child Support because Petitioner refused to identify any potential paternal parent of her minor child other than one individual who was ruled out as a paternal parent by genetic testing.
7. On October 27, 2018, the Department issued a Notice of Case Action which notified Petitioner that she was ineligible for CDC effective November 11, 2018, for failure to cooperate with the Office of Child Support.
8. On [REDACTED] [REDACTED] Petitioner filed a hearing request to dispute the Department's decision.

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.

Cooperation with child support is a condition of eligibility for CDC. BEM 255 (July 1, 2018), p. 9. Cooperation includes providing all known information about the absent

parent. BEM 255, p. 9. Failure to cooperate without good cause will result in ineligibility for CDC. BEM 255, p. 13. Good cause is limited to two situations: (1) situations in which establishing paternity would harm the child and (2) situations in which establishing paternity would risk physical or emotional harm to the child or custodial parent. BEM 255, p. 3-4. Once an individual is disqualified, she must remain disqualified until she cooperates. BEM 255, p. 14-15.

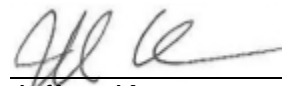
Here, the Department found Petitioner to be non-cooperative with the Office of Child Support because Petitioner refused to identify any potential paternal parent of her minor child other than one individual who was ruled out as a paternal parent by genetic testing. The Department properly found Petitioner to be non-cooperative because Petitioner refused to identify any potential paternal parent other than one individual who was properly ruled out. Petitioner did not present any evidence to establish that she had good cause for refusing to cooperate. Thus, Petitioner failed to cooperate without good cause. Since Petitioner failed to cooperate without good cause, the Department properly found Petitioner ineligible for CDC.

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 did act in accordance with its policies and the applicable law when found Petitioner ineligible for CDC effective November 11, 2018.

IT IS ORDERED the Department's decision is AFFIRMED.

JK/nr



Jeffrey Kemm
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

Department Representative

Office of Child Support (OCS)-MDHHS
201 N Washington Square
Lansing, MI
48933

Wexford County DHHS- via electronic mail

BSC1- via electronic mail

L. Brewer-Walraven- via electronic mail

DHHS

Sheila Crittenden
10641 W. Watergate Rd.
Cadillac, MI
49601

Petitioner

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