



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

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Date Mailed: May 2, 2019
MOAHR Docket No.: 19-002201
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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. After due notice, telephone hearing was held on April 17, 2019, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Kevin Lowe and Tiffany Heard.

ISSUE

Did the Department of Health and Human Services (Department) properly deny Petitioner's application for Child Development and Care (CDC) 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 ██████████ 2019, the Department received Petitioner's application for Child Development and Care (CDC) benefits.
2. Petitioner was found to be noncooperative with the Office of Child Support on July 16, 2018.
3. On February 26, 2019, the Department notified Petitioner that she was not eligible for Child Development and Care (CDC) benefits effective February 3, 2019.
4. On February 27, 2019, the Department received Petitioner's request for a hearing protesting the denial of Child Development and Care (CDC) benefits.

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. 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. 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. Failure to cooperate without good cause results in disqualification. Disqualification includes member removal, as well as denial or closure of program benefits. Department of Human Services Bridges Eligibility Manual (BEM) 255 (July 1, 2018), pp 1-2.

On [REDACTED] 2019, the Department received Petitioner's application for CDC benefits. Petitioner had been found to be noncooperative with the Office of Child Support since July 16, 2018. On February 26, 2019, the Department denied Petitioner's CDC application based on a sanction for noncooperation with the Office of Child Support.

On July 16, 2018, Petitioner was sanctioned for noncooperation with the Office of Child Support after she failed to respond to multiple written requests for information. It is not clear from the hearing record that these written requests were properly addressed.

However, the hearing record indicates that Petitioner has been in contact with the Office of Child Support since July 16, 2018. The Department determined that Petitioner should remain sanctioned for noncooperation because she has failed to provide the Department with sufficient information to identify and/or locate the absent parent of her child.

The Department failed to offer testimony or documentary evidence supporting a finding that Petitioner has additional information that she refuses to reveal to the Department. The Department failed to establish that Petitioner has not revealed all the information about the absent parent of her child that he is capable of. Further, the Department's

Hearing Summary (DHS-3050) indicates that Petitioner has no information for the father, has been unsuccessful in finding anyone who knew him, and informed the Child Support Specialist (who was unavailable to testify during the hearing) of all that she knows.

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 denied Petitioner's February 4, 2019, application for Child Development and Care (CDC) 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. Initiate a determination of the Petitioner's eligibility for Child Development and Care (CDC) as of February 4, 2019.
2. Provide the Petitioner with written notice describing the Department's revised eligibility determination.
3. Delete the sanction for noncooperation with the Office of Child Support from her benefits file.
4. Issue the Petitioner any retroactive benefits she may be eligible to receive, if any.

KS/dh



Kevin Scully
Administrative Law Judge
for Robert Gordon, 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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

LaClair Winbush
17455 Grand River
Detroit, MI 48227

Wayne County (District 31), DHHS

BSC4 via electronic mail

L. Brewer-Walraven via electronic mail

Department Representative

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

Petitioner

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