



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: August 14, 2018
MAHS Docket No.: 18-006005
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 August 13, 2018, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Corlette Brown, Hearing Facilitator and Patricia Bregg, Lead Worker for the Office of Child Support (OCS).

ISSUE

Did the Department properly deny Petitioner's application for State Emergency Relief (SER) 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 [REDACTED], 2018, Petitioner submitted an application for SER benefits.
2. Petitioner's group consisted of herself, her daughter and her grandchild.
3. On May 31, 2018, the Department sent Petitioner a State Emergency Relief Decision Notice informing her that her application for SER benefits was denied due to a group member's failure to cooperate with OCS (Exhibit A).
4. On [REDACTED], 2018, Petitioner submitted a request for hearing.

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, Department policy requires the custodial parent of children to 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 (April 2018), p. 1. Cooperation is a condition of eligibility. BEM 255, p. 9. Cooperation includes: contacting the support specialist when requested, providing all known information about the absent parent, appearing at the office of the prosecuting attorney when requested, and 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. Groups that are non-cooperative with OCS are ineligible for SER. ERM 203 (June 2013), p. 2.

In this case, Petitioner's daughter was sent a First Customer Contact Letter from OCS on June 22, 2017, requesting that she contact their office within 10 days (Exhibit E). OCS received no response from the Petitioner's daughter. OCS sent Petitioner's daughter a Final Customer Contact Letter on July 2, 2017, again requesting that she contact their office within 10 days (Exhibit D). Petitioner's daughter failed to comply with the request and she was issued a Noncooperation Notice on July 11, 2017 (Exhibit F).

Petitioner submitted an application for SER benefits on [REDACTED], 2018. Petitioner included her daughter and her grandchild as members of her SER group. At the time of the application, Petitioner's daughter was still in noncooperation status with OCS. As a result, Petitioner's application for SER benefits was denied and notice was sent on May 31, 2018.

Petitioner testified that her daughter contacted OCS and was placed in cooperation status. OCS confirmed that Petitioner's daughter contacted their office on June 7, 2018 and that she was placed in cooperation status as of that date (Exhibit C). OCS stated that the first time Petitioner's daughter responded to the contact letters sent in 2017 was June 7, 2018. Petitioner stated she believed her daughter did not receive the letters sent in 2017. Petitioner testified that she and her daughter had moved from the address listed on letters. Petitioner stated her daughter updated her address with the United States Postal Service but was unsure if her daughter notified the Department of her relocation.

Although Petitioner's daughter is currently in compliance with OCS, at the time the application was submitted and denied, her daughter was noncompliant. As Petitioner's daughter was not present at the hearing, it is unclear as to whether she received the contact letters in 2017 or why she failed to respond. There was also no evidence presented that Petitioner's daughter attempted to contact OCS prior to June 7, 2018. Therefore, the Department acted in accordance with policy when it placed Petitioner's daughter in noncompliance with OCS and continued to maintain her in noncooperation status until June 7, 2018. Thus, the Department acted in accordance with policy when it denied Petitioner's application for SER benefits.

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 denied Petitioner's application for SER benefits. Accordingly, the Department's decision is **AFFIRMED**.

EM/cg



Ellen McLemore

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:

MDHHS-Wayne-Grandmont-Hearings
MDHHS-OCS-Hearings
T. Bair
E. Holzhausen
BSC4- Hearing Decisions
MAHS

Petitioner – Via First-Class Mail:

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