



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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MI [REDACTED]

Date Mailed: November 20, 2020
MOAHR Docket No.: 20-005177
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 October 21, 2020, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Melissa Schitstel, Assistance Payments Worker.

ISSUE

Did the Department properly determine Petitioner's eligibility 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. Petitioner was a recipient of CDC benefits, which requires her to participate with OCS to determine paternity and establish child support pursuant to BEM 255.
2. On January 22, 2018, the OCS sent Petitioner a First Customer Contact Letter that Petitioner had 10 days to complete the Online Child Support Response form. Department Exhibit 1, pgs. 3-4.
3. On February 2, 2018, the OCS sent Petitioner a Final Customer Contact Letter that Petitioner had 10 days to complete the Online Child Support Response form. Department Exhibit 1, pgs. 5-7.

4. On February 10, 2018, the OCS sent Petitioner a Noncooperation Notice because Petitioner did not respond, and she had 10 days to complete the Online Child Support Response form. Department Exhibit 1, pg. 13.
5. On August 6, 2020, the Department sent Petitioner a Notice of Case Action that she was not eligible for CDC benefits due to noncooperation with OCS.
6. On August 17, 2020, the Department received a hearing request from Petitioner, contesting the Department's negative action.

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.

In this case, Petitioner was a recipient of CDC benefits, which requires her to participate with OCS to determine paternity and establish child support pursuant to BEM 255. On January 22, 2018, the OCS sent Petitioner a First Customer Contact Letter that Petitioner had 10 days to complete the Online Child Support Response form. Department Exhibit 1, pgs. 3-4.

On February 2, 2018, the OCS sent Petitioner a Final Customer Contact Letter that Petitioner had 10 days to complete the Online Child Support Response form. Department Exhibit 1, pgs. 5-7. On February 10, 2018, the OCS sent Petitioner a Noncooperation Notice because Petitioner did not respond, and she had 10 days to complete the Online Child Support Response form. Department Exhibit 1, pg. 13. On August 6, 2020, the Department sent Petitioner a Notice of Case Action that she was not eligible for CDC benefits due to noncooperation with OCS.

During the hearing, Petitioner stated that she did not have any additional information about the paternity of her child. The child was conceived at a party in Ann Arbor. There is no father's name on the birth certificate. OCS stated that she is still in noncooperation because she has not provided enough information to determine paternity of the child.

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 determined that Petitioner had not cooperated with OCS in providing sufficient information to establish paternity to be eligible for CDC benefits.

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

CF/hb



Carmen G. Fahie
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

Grand Traverse County, DHHS

BSC1 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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[REDACTED]
[REDACTED], MI [REDACTED]