



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]

Date Mailed: June 24, 2019  
MOAHR Docket No.: 19-005226  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler**

### **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 June 19, 2019, from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Valarie Foley, Hearings Facilitator.

### **ISSUE**

Did the Department properly close Petitioner's Child Development and Care (CDC) case based upon noncompliance with child support requirements?

### **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 an ongoing CDC client.
2. On July 23, 2018, Petitioner contacted Office of Child Support (OCS) and advised them that her son had been the product of rape.
3. On August 7, 2018, the Department issued a Verification Checklist (VCL) to Petitioner.
4. On August 13, 2018, Petitioner contacted OCS and advised them that the name of the father was [REDACTED]t.
5. OCS identified an inmate in Ohio that had an alias of [REDACTED]

6. Petitioner reviewed the profile and photo of the inmate and indicated that the man was not her rapist but that he looked like one of his friends; she also advised OCS that she met him at the casino and told her he was from Ohio.
7. On April 2, 2019, OCS issued a First Customer Contact Letter to Petitioner requesting additional information about the absent parent.
8. On the same day, Petitioner contacted OCS and indicated she was never raped, that she had been embarrassed about the circumstances of conception, that she had met the man at a party, that she had sex with another man around the time of conception but did not remember his name, that she met ██████████ in ██████████ and his birthday was in February, that he was about ████████ years old, and that she might have seen him once since conception at a store but was not sure.
9. On April 12, 2019, OCS mailed a Final Customer Contact Letter to Petitioner requesting additional information about the absent parent by April 20, 2019.
10. On April 21, 2019, OCS sent a Noncooperation Notice to Petitioner.
11. On April 22, 2019, the Department issued a Notice of Case Action to Petitioner informing her that her CDC benefits were closed effective May 12, 2019 ongoing, for both of her children because she failed to cooperate with child support requirements.
12. On April 26, 2019, Petitioner contacted OCS and advised them that she did not have any other information about the absent parent.
13. On May 3, 2019, the Department received a request for hearing disputing the closure of her CDC case and determination of noncooperation with the Office of Child Support (OCS).
14. On May 14, 2019, Petitioner contacted OCS and again advised them that she did not have any additional information to provide regarding the absent parent.
15. On May 15, 2019, OCS contacted Petitioner; and Petitioner indicated that the absent father was ██████████, that he was ████████ about ██████████ tall, ████████ pounds, with dark hair and unknown eye color, that he was born in ██████████ 1986 or 1989, after seeing his driver's license, that she met him at a house party on Detroit's west side, that she went to the party with a former coworker but that she could not remember the coworker's name, that they had conception occurred at the party, and that she may not have had sex with a second man around the time of conception; finally, she indicated that the phone number he had given her was inactive when she tried to call it, but she no longer had the phone number because she has a new phone with a new provider.

## **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 disputes the closure of CDC benefits for her children and the determination of noncooperation with the OCS. In CDC cases, the custodial parent or alternative caretaker of a child 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 (April 2019), p. 1. Failure to cooperate without good cause results in group ineligibility for CDC benefits if the noncooperation involves a child for whom benefits were requested or received. BEM 255, pp. 13-14. 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. BEM 255, p. 9. Good cause includes situations where establishing paternity or securing support would harm the child or where there is a danger of physical or emotional harm to the client or child. BEM 255, pp. 3-4.

Petitioner initially told the Department that she was raped. Later, Petitioner changed her story and indicated she had not been raped and was embarrassed about conception, but that she had met the man at a casino. After more time passed, Petitioner changed her story again and indicated that she met the man at a house party in Detroit that she went to with a friend/coworker but she could not remember the name of her friend. Petitioner's version of events related to conception changed three times in less than a year. Her statements that she has no further information about the absent parent are not credible because of the repeated changes to her story and the associated inconsistencies. Based upon the information presented, Petitioner is withholding information which might aid OCS in identifying the child's father. In addition, she has not established good cause for her failure to assist the Department in discovering the child's father. Therefore, the Department properly placed Petitioner in noncooperation with OCS and closed her CDC benefits.

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 Petitioner was in noncompliance with OCS and closed her CDC case.

**DECISION AND ORDER**

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



AMTM/jaf

---

**Amanda M. T. Marler**

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

**Department Representative**

MDHHS-OCS-Hearings

**DHHS**

Susan Noel  
MDHHS-Wayne-19-Hearings

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]

BSC4  
L Brewer-Walraven