



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]

Date Mailed: August 19, 2019
MOAHR Docket No.: 19-007645
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 August 15, 2019, from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by [REDACTED], Family Independence Specialist, and had as a witness [REDACTED], Lead Worker for the Office of Child Support (OCS).

ISSUE

Did the Department properly deny Petitioner's Child Development and Care (CDC) Application due to noncompliance with OCS?

FINDINGS OF FACT

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

1. At some point, Petitioner applied for CDC benefits.
2. On May 28, 2019, the OCS issued a First Customer Contact Letter to Petitioner requesting that she contact OCS and provide information related to the absent parent of her daughter within ten days of the date of the letter.
3. On June 8, 2019, the OCS issued a Final Customer Contact Letter to Petitioner requesting that she contact OCS by June 15, 2019 to provide information related to the absent parent of her daughter.
4. On June 16, 2019, the OCS issued a Noncooperation Notice to Petitioner informing her that because she failed to respond to the first contact letter, the second contact letter, or provide information about the absent parent of her

daughter, she was determined to be in noncooperation with child support requirements.

5. Petitioner's daughter for whom the OCS is trying to locate the absent parent is [REDACTED] months old.
6. On June 18, 2019, Petitioner contacted the OCS and provided seven first names of potential absent parents, indicated that there was potentially an eighth potential parent, and physical descriptions of the men she could remember, but indicated that she did not remember the circumstances of conception.
7. Between June 19, 2019 and July 8, 2019, Petitioner contacted OCS multiple times, provided one additional name to OCS, refused to identify the relationship of a man she previously lived with, refused to explain why her address of record was a UPS store, and refused to identify the [REDACTED] profile names (how she met all of them) of the men she had previously identified.
8. At some point, Petitioner's Application for CDC benefits was denied due to noncooperation with child support requirements.
9. On July 8, 2019, the Department received Petitioner's request for hearing disputing the determination of noncooperation.

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 denial of her CDC Application based upon noncooperation with 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 failed to respond to OCS letters requesting information. This on its own is sufficient to establish noncooperation with child support requirements. However, after the Notice of Noncooperation was issued, Petitioner contacted OCS numerous times. Despite the numerous contacts, she failed to provide enough identifying information in order to assist the OCS in identifying the absent parent. She provided eight first names and physical descriptions but failed to identify the [REDACTED] profile name or last name of any of the individuals. In addition, she was unable to identify any of the circumstances surrounding conception including the month or approximate time frame of conception. Her daughter is [REDACTED] months old. Conception would have occurred approximately one year before the hearing, but she was unwilling to commit to that answer. Furthermore, she indicated that the doctor never gave her an approximation of the time of conception. Finally, when confronted with questions regarding a man she previously lived with and why her current address was a UPS Store, Petitioner refused to answer. Based upon the evidence presented, it is clear that Petitioner is withholding relevant information that could be used to identify the absent parent. Her testimony and information provided to the OCS are not credible when she says she does not know any other information. Therefore, she was properly placed in noncooperation with child support requirements and the Department properly denied her CDC Application.

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 CDC benefits based upon noncooperation with child support requirements.

DECISION AND ORDER

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

AM/tm



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

DHHS

[REDACTED]
[REDACTED]
[REDACTED], [REDACTED]
[REDACTED]

Department Representative

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

CC:

[REDACTED]
[REDACTED]