



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: August 11, 2020
MOAHR Docket No.: 20-004057
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 July 28, 2020, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Lori Aumick.

ISSUE

Did the Department of Health and Human Services (Department) properly deny Petitioner's application for State Emergency Relief (SER) assistance?

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] [REDACTED] the Department received Petitioner's application for State Emergency Relief (SER) assistance. Exhibit A, pp 4-9.
2. On June 7, 2020, the Department notified Petitioner that she was disqualified from receiving State Emergency Relief (SER) assistance due to her noncooperation with the Office of Child Support.
3. On July 16, 2015, the Department requested that Petitioner cooperate with the Office of Child Support to determine the identity and location of the absent parent of her child. Exhibit A, p 27.
4. On September 10, 2015, the Department notified Petitioner that she was considered to be noncooperative with the Office of Child Support. Exhibit A, p 52.

5. On [REDACTED] [REDACTED] the Department received Petitioner's request for a hearing protesting a child support sanction. Exhibit A, p 10.

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.

The client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received anywhere in DHS within the 90 days. Department of Human Services Bridges Administrative Manual (BAM) 600 (January 1, 2020), pp 6-7.

On September 10, 2015, the Department notified Petitioner that she was considered to be noncooperative with the Office of Child Support. Petitioner's [REDACTED] [REDACTED] request for a hearing is untimely with respect to this action because more than 90 days has passed since the date notice of the disqualification was mailed to Petitioner.

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 (January 1, 2020), pp 1-2.

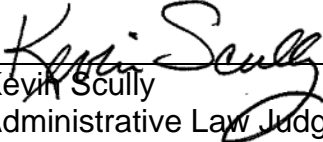
On [REDACTED] [REDACTED] the Department received Petitioner's application for SER assistance. Petitioner is disqualified from receiving SER assistance because she has been found to be noncooperative with the Office of Child Support. Applicant's for SER assistance are not entitled to an opportunity to cooperate with efforts to identify and locate absent parents before their application is processed. Therefore, the Department was acting in accordance with policy when it denied Petitioner's application for SER assistance.

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 [REDACTED] application for State Emergency Relief (SER) assistance.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



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

Lori Aumick
4809 Clio Road
Flint, MI
48504

Genesee (Clio Road) County DHHS- via
electronic mail

BSC2- via electronic mail

T. Bair- via electronic mail

E. Holzhausen- via electronic mail

Department Representative

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

Petitioner

[REDACTED] - via first class mail
[REDACTED], MI
[REDACTED]