



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]

Date Mailed: July 7, 2021
MOAHR Docket No.: 21-002775
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On May 19, 2021, Petitioner, [REDACTED], requested a hearing to dispute a Child Development and Care (CDC) denial. As a result, a hearing was scheduled to be held on June 30, 2021, pursuant to MCL 400.9 and 400.37; 45 CFR 99.1 to 99.33; and Mich Admin Code, R 792.11002. Petitioner appeared at the hearing and represented herself. Respondent, Department of Health and Human Services (Department), had Danielle O'Shesky, Lead Worker, and Lynne Crittendon, Lead Support Specialist, appear as its representatives. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 24-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Whether the Department properly denied Petitioner's request for CDC?

FINDINGS OF FACT

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

1. The Office of Child Support found Petitioner to be in noncompliance status for failing to pursue child support as required.
2. On [REDACTED], 2021, Petitioner submitted information to comply with the Office of Child Support's requirement to pursue child support.
3. The Office of Child Support reviewed Petitioner's information and found that it was incomplete.

4. On March 19, 2021, the Office of Child Support mailed a letter to Petitioner to notify her that the information she provided was incomplete. The letter instructed Petitioner to contact the Office of Child Support to complete the process.
5. On [REDACTED] 2021, Petitioner applied for CDC from the Department.
6. The Department reviewed Petitioner's request and determined that it had to be denied because she was in noncompliance status with the Office of Child Support.
7. On April 16, 2021, the Department mailed a notice of case action to Petitioner to notify her that her request for CDC was denied because she was in noncompliance with the Office of Child Support.
8. On May 6, 2021, Petitioner contacted the Office of Child Support and provided the information necessary to complete the process. The Office of Child Support then removed Petitioner's noncompliance status.
9. On May 19, 2021, Petitioner requested a hearing to dispute the CDC denial.

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 is disputing the Department's decision to deny her request for CDC. Specifically, Petitioner is arguing that she should not have been denied CDC because she was in compliance with the Office of Child Support. Based on the evidence presented, Petitioner was not in compliance with the Office of Child Support at the time she applied for CDC on [REDACTED] 2021. Although Petitioner had submitted information to comply with the Office of Child Support's requirement to pursue child support, the information was incomplete, and the Office of Child Support did not determine that Petitioner was in compliance until May 6, 2021, when it spoke with her.

The Department properly denied Petitioner's request for CDC since Petitioner was not in compliance with the Office of Child Support at the time that she applied for CDC. Compliance with the Office of Child Support is a requirement to be eligible for CDC. BEM 255 (January 1, 2020), p. 9. Failure to cooperate with the Office of Child Support will result in denial of a request for CDC. *Id.* at 13-14. Since Petitioner was not in compliance with the Office of Child Support at the time of her application for CDC, and since compliance with the Office of Child Support is a requirement to be eligible for CDC, the Department was required to deny Petitioner's request for CDC.

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 its policies and the applicable law when it denied Petitioner's request for CDC.

IT IS ORDERED, the Department's decision is **AFFIRMED**.

JK/cc



Jeffrey Kemm
Administrative Law Judge

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

Via Email:

MDHHS-Clinton-Hearings
BSC1-HearingDecisions
DHS-OCS-Admin-Hearings
L. Brewer-Walraven
MOAHR

Petitioner- Via USPS:

