



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 ██████████

Date Mailed: September 30, 2022  
MOAHR Docket No.: 22-003640  
Agency No.: ██████████  
Petitioner: ██████████ ██████████

**ADMINISTRATIVE LAW JUDGE: Christian Gardocki**

**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 hearing was held via telephone conference line on September 28, 2022. Petitioner appeared and was represented. ██████████ ██████████ Petitioner's father, testified and participated as Petitioner's authorized hearing representative (AHR). The Michigan Department of Health and Human Services (MDHHS) was represented by Gabrielle Stringer, specialist.

**ISSUES**

The first issue is whether MDHHS properly denied Petitioner's Child Development and Care (CDC) application.

The second issue is whether MDHHS properly affected Claimant's Food Assistance Program (FAP) and Family Independence (FIP) eligibility due to a child support disqualification.

**FINDINGS OF FACT**

The administrative law judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. As of August 2022, Petitioner was an ongoing recipient of FAP and FIP benefits with a group that included her daughter, ██████████ (hereinafter, "Daughter").
2. On ██████████ ██████████ 2022, Claimant applied for CDC benefits.
3. On an unspecified date and for unspecified reasons, MDHHS deemed Petitioner to be uncooperative with obtaining child support for Daughter.

4. On August 8, 2022, MDHHS denied Petitioner's application for CDC benefits due to Petitioner's alleged failure to verify information. MDHHS also terminated Petitioner's FIP eligibility and reduced Petitioner's FAP eligibility, effective September 2022, due to a child support disqualification.
5. On August 18, 2022, Petitioner requested a hearing to dispute a denial of CDC.
6. On August 19, 2022, Petitioner again requested a hearing to dispute the denial of CDC. Petitioner additionally requested a hearing to dispute the closure of FIP and a reduction in FAP benefits.
7. On an unspecified date, MDHHS reregistered Petitioner's application dated [REDACTED] 2022.
8. On August 25, 2022, MDHHS mailed Petitioner a Verification Checklist (VCL) requesting proof of Petitioner's need reasons for CDC by September 6, 2022.
9. On an unspecified date, MDHHS referred Petitioner to participate in Partnership, Accountability, Training, Hope (PATH).
10. On September 6, 2022, MDHHS again denied CDC due to an alleged failure by Petitioner to verify information.

### **CONCLUSIONS OF LAW**

The 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 CDC program is implemented by 45 CFR 98.1-99.33. MDHHS administers the CDC 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. CDC policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing, in part, to dispute a denial of CDC benefits. Exhibit A, pp. 3-6. It was not disputed that Claimant applied for CDC on August 4, 2022. MDHHS initially denied Petitioner's application on August 8, 2022. Exhibit A, pp. 8-14. MDHHS testified that Petitioner's application was reinstated before it was again denied on September 6, 2022. MDHHS also testified that the corresponding Notice of Case Action stated the CDC denial was due to Petitioner's alleged failure to verify information.<sup>1</sup>

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<sup>1</sup> MDHHS testimony claimed Petitioner was denied CDC due to a failure to cooperate with child support; however, the notices of denial dated August 4 and September 6, 2022 each failed to state this as the reason for denial. Thus, no consideration will be made concerning whether CDC was denied due to child support non-cooperation.

At application, MDHHS is to verify the need for CDC for each child's caretaker. BEM 702 (June 2022) p. 2. Need reasons for CDC may include FIP-related activities, such as attending PATH. BEM 703 (April 2022) p. 15.

The only evidence of Petitioner's alleged failure to verify information was a VCL sent to Petitioner on August 25, 2022, requesting verification of Petitioner's need for CDC. Exhibit A, pp. 18-19. However, MDHHS testimony acknowledged that it previously referred Petitioner to attend PATH. PATH attendance is a reason to need CDC. Thus, MDHHS had no need to request verification of Petitioner's need for CDC.<sup>2</sup>

Given the evidence, MDHHS failed to establish that Claimant failed to verify information. Thus, MDHHS improperly denied Petitioner's CDC application. As a remedy, Petitioner is entitled to a reprocessing of her CDC application.

The FAP (formerly known as the Food Stamp program) is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. MDHHS administers the FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011. FAP policies are contained in the BAM, BEM, and RFT.

The FIP was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. MDHHS administers the FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131. FIP policies are contained in the BAM, BEM, and RFT.

Petitioner also requested a hearing to dispute a reduction in FAP benefits and a termination of FIP benefits. Exhibit B, pp. 7-12. A Notice of Case Action dated August 8, 2022, stated Petitioner's FIP eligibility would be terminated and FAP eligibility would be reduced; both actions to be effective September 2022. Petitioner's FAP and FIP eligibility were adversely affected due to Petitioner's alleged failure to cooperate with obtaining child support. Exhibit A, pp. 8-14.

Generally, the Office of Child Support (OCS) determines cooperation for required support actions.<sup>3</sup> BEM 255 (January 2020) p. 11. 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. BEM 255 (January 2020) p. 1. Cooperation is required in all phases of the process to establish paternity and obtain support. *Id.* p. 9. Cooperation includes all of the following:

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<sup>2</sup> The VCL requested verification by September 6, 2022. Despite Petitioner having through her due date to verify information, MDHHS denied Petitioner's application on September 6, 2022. MDHHS's premature denial is a secondary issue as the VCL request was improper.

<sup>3</sup> MDHHS specialists determine cooperation concerning unreturned support payments issued after the support certification date. *Id.*

- Contacting the support specialist when requested.
- Providing all known information about the absent parent.
- Appearing at the office of the prosecuting attorney when requested.
- Taking any actions needed to establish paternity and obtain child support (including but not limited to testifying at hearings or obtaining genetic tests). *Id.*

Any individual required to cooperate who fails to cooperate without good cause is ineligible for FIP group for a minimum of one month. *Id.*, p. 13. For FAP, failure to cooperate without good cause results in disqualification of the individual who failed to cooperate; the remaining group members are eligible. *Id.*, p. 14.

MDHHS alleged that Petitioner was uncooperative in obtaining child support for Daughter. MDHHS testified that OCS found Claimant to be uncooperative and appropriate disqualifications were taken.<sup>4</sup> MDHHS presented no evidence explaining how Petitioner was uncooperative. MDHHS's reliance on the conclusion of OCS failed to establish that Petitioner was uncooperative with obtaining child support for Daughter. Thus, the disqualification of Petitioner resulting in termination of FIP benefits and a reduction in FAP benefits was improper.

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<sup>4</sup> Petitioner denied being uncooperative with obtaining child support. Petitioner's AHR additionally testified that Petitioner has consistently reported paternal information to MDHHS. Petitioner's AHR also testified that he and Petitioner completed several documents for OCS on August 31, 2022


**DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly terminated Petitioner's FIP eligibility, improperly reduced Petitioner's FAP eligibility, and improperly denied Petitioner's CDC eligibility. It is ordered that MDHHS commence the following actions within 10 days of the date of mailing of this decision:

- (1) Delete the active child support disqualification against Petitioner;
- (2) Reregister and reprocess Petitioner's CDC application dated [REDACTED] 2022;
- (3) Reprocess Petitioner's FAP and FIP eligibility beginning September 2022; and
- (4) Issue any benefit supplements and/or notices in accordance with policy.

The actions taken by MDHHS are **REVERSED**.

CG/nr

  
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**Christian Gardocki**  
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-Electronic Mail :**

**DHHS**  
MDHHS-Oakland-DistrictII-Hearings  
L. Brewer-Walraven  
D. Sweeney  
B. Sanborn  
M. Holden  
MOAHR  
BSC4

**Via-First Class Mail :**

**Authorized Hearing Rep.**

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██████████, MI ██████████

**Petitioner**

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