



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]
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Date Mailed: December 19, 2022
MOAHR Docket No.: 22-005106
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle Nuccio

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 December 1, 2022. The Petitioner appeared and represented herself. The Department of Health and Human Services (MDHHS) was represented by Pamela Carswell, Assistant Payments Supervisor. The Office of Child Support (OCS) was represented by Tiffany Heard, Lead Child Support Specialist. The Oakland County Prosecutor's Office (OCPO) was represented by Markeisha Washington, Chief of the Family and Support Division.

ISSUE

Did MDHHS properly deny Petitioner's [REDACTED] 2022 application for cash assistance through the Family Independence Program (FIP) and Child Development and Care (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. Petitioner is considered cooperative with the OCS.
2. As of July 23, 2021, Petitioner is in non-cooperation status with the prosecuting attorney regarding her child support case.
3. On [REDACTED] 2022, Petitioner applied for FIP, CDC, and Food Assistance Program (FAP) benefits.

4. On October 3, 2022, a Verification Checklist (VCL) was issued to Petitioner, requesting verification of employment, self-employment income, and requesting that Petitioner contact the OCS by October 13, 2022 (Exhibit A, pp. 6-8).
5. On [REDACTED] 2022, MDHHS issued a Notice of Case Action to Petitioner, informing her that her FIP and CDC cases were denied for failure to timely submit all requested verifications and noncompliance with OCS (Exhibit A, pp. 9-11).
6. On October 31, 2022, MDHHS received a timely submitted hearing request from Petitioner, disputing the denial of her FIP and CDC application (Exhibit A, pp. 3-5).

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 Family Independence Program (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. The Department (formerly known as the Department of Human Services) administers 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.

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 FIP and CDC application due to failure to return requested verifications and failure to comply with child support.

Parents have a responsibility to meet their children's needs by providing support and/or cooperating with the department, including 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 from benefits. Disqualification includes member removal, as well as denial or closure of program benefits, depending on the type of assistance. When OCS, FOC or a prosecuting attorney determines a client is in

cooperation or noncooperation the determination is entered in Bridges via a systems interface. BEM 255 (January 2020), pp. 1-2. At application, the client has 10 days to cooperate with the OCS. MDHHS informs the client to contact the OCS in the VCL. The disqualification is imposed if client fails to cooperate on or before the VCL due date when all of the following are true:

- There is a begin date of non-cooperation in the absent parent logical unit of work.
- There is not a subsequent comply date.
- Support/paternity action is still a factor in the child's eligibility.
- Good cause has not been granted nor is a claim pending; see good cause for not cooperating in this item.

BEM 255, pp. 12-13.

Any individual required to cooperate who fails to cooperate without good cause causes group ineligibility from FIP for a minimum of one month. BEM 255, p. 13. Failure to cooperate without good cause with OCS requirements for a child requesting or receiving benefits will result in group ineligibility for CDC. MDHHS will close or deny the CDC eligibility when a child support non-cooperation record exists and there is no corresponding comply date. BEM 255, pp. 13-14.

In this case, Petitioner is considered cooperative with the OCS. However, Petitioner is considered in noncooperation status with the prosecuting attorney, effective July 23, 2021. The ██████████ County Prosecutor's Office testified that Petitioner had a phone interview on May 24, 2021, in which she participated and scheduled an in-person appointment for July 14, 2021. On July 14, 2021, Petitioner failed to appear to the scheduled appointment and a new appointment was scheduled for July 23, 2021. Petitioner failed to appear to this appointment as well, resulting in being found in non-cooperation status. Petitioner testified that she was aware of both of these appointments but had transportation issues and was unable to attend. Petitioner testified that she did not attempt to reach anyone at the Prosecutor's Office regarding the missed appointments and did not attempt to reschedule them. On October 14, 2021, Petitioner was advised that since she was now a resident of ██████████ County, her case has been transferred to the ██████████ County Prosecutor's Office and Petitioner was advised to follow up with that office regarding her cooperation status. As of the hearing date, Petitioner was still considered in non-cooperation status with the Prosecutor's Office. Therefore, MDHHS acted in accordance with policy in denying Petitioner's FIP and CDC applications for failure to cooperate with OCS.

Petitioner is advised that since she indicated a willingness to cooperate with the prosecutor's office then she should contact a support specialist at 1-866-540-0008 or 1-866-661-0005 to reevaluate her cooperation status.

Petitioner's FIP and CDC applications were also denied for failure to timely submit required verifications. Verification is usually required at application and redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (January 2022), p. 1. MDHHS must tell the client what verification is required, how to obtain it, and the due date. The client must obtain required verification, but the local office must assist if

they need and request help. If neither the client nor the local office can obtain verification despite a reasonable effort, use the best available information. BAM 130, p. 3. For FIP cases, MDHHS must allow the client 10 calendar days to provide the verification that is requested. For CDC cases, if the client cannot provide the verification despite a reasonable effort, MDHHS must extend the time limit at least once. MDHHS is not to close a case and send a negative action notice until the client indicates refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 7. In this case, MDHHS denied Petitioner's applications for failure to return the requested verifications listed in the VCL issued on October 3, 2022. Petitioner testified that she did submit everything requested via MiBridges but was unsure when. MDHHS testified that as of the hearing date they have received all verifications requested but due to Petitioner's noncompliance with OCS, they are still unable to approve her eligibility. While MDHHS should have extended the time limit to submit verifications for Petitioner's CDC case prior to denying her application, Petitioner's status with the OCS would still prevent her approval for benefits. Therefore, MDHHS did act in accordance with policy in denying Petitioner's applications.

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 FIP and CDC application.

DECISION AND ORDER

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

DN/mp



Danielle Nuccio

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-OCS-Admin-Hearings
MDHHS-Wayne-57-Hearings
L. Brewer-Walraven
B. Sanborn
MOAHR
BSC4

Via-First Class Mail :

Petitioner

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