



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: December 15, 2022
MOAHR Docket No.: 22-005222
Agency No.: ██████████
Petitioner: ██████████ ██████████

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 6, 2022, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Kim Reed Lead Worker. Patricia Bregg from the Office of Child Support appeared and testified for the Department. Department Exhibit 1, pp. 1-57 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's Child Development and Care (CDC) application for failing to cooperate with the Office of Child Support in establishing paternity of her child?

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 ██████████ ██████████ Petitioner applied for CDC.
2. On October 13, 2022, a Verification Checklist was sent to Petitioner requesting verifications and instructing her that she needs to cooperate with the Office of Child Support. (Ex. 1, pp. 11-14)
3. On October 25, 2022, a Notice of Case Action was sent to Petitioner informing her that her FAP and CDC applications were denied due to failure to cooperate with the Office of Child Support in establishing paternity of her child.
4. On ██████████ ██████████ Petitioner requested hearing disputing the denial of CDC.

5. Petitioner spoke to the Office of Child Support on three occasions and failed to give identifying information of any putative father.

On SCONCLUSIONS 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.

COOPERATION

FIP, CDC Income Eligible, MA and FAP

Cooperation is a condition of eligibility. The following individuals who receive assistance on behalf of a child are required to cooperate in establishing paternity and obtaining support, unless good cause has been granted or is pending:

Grantee (head of household) and spouse.

Specified relative/individual acting as a parent and spouse.

Parent of the child for whom paternity and/or support action is required.

Cooperation is required in all phases of the process to establish paternity and obtain support. It includes **all** of the following:

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). BEM 255, pp. 9-10

In this case, Ms. Bregg from the Office of Child Support testified that Petitioner first told OCS that the father of her child was someone from school, then the father's name was [REDACTED] and then that the child was conceived at a party at a family member's home in Indiana. Petitioner was asked to contact the family members in Indiana or other people at the party in an attempt to get more information about the putative father. Petitioner testified at hearing that she had not done so and merely flatly stated that she knew nothing about the putative father. Petitioner's testimony at hearing was not credible. Petitioner's different and contradictory information that she provided to the OCS leads to the conclusion that she is not being truthful and forthcoming. The fact that Petitioner made no effort to contact her relatives in Indiana who might have information suggests that she is not interested in establishing paternity of her child. Therefore, the Department's denial of CDC for failing to cooperate with the Office of Child Support is


supported by the facts in this case and is consistent with the Department policy. BEM
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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 CDC application for failing to cooperate with the Office of Child Support in establishing paternity of her child.

DECISION AND ORDER

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

AM/nr



Aaron McClintic
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 :

Department Representative
Office of Child Support (OCS)-MDHHS
201 N Washington Square
Lansing, MI 48933
**MDHHS-OCS-Admin-
Hearings@michigan.gov**

Interested Parties
Montcalm County DHHS
BSC3
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Via-First Class Mail :

Petitioner

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