



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 [REDACTED]

Date Mailed: February 13, 2023
MOAHR Docket No.: 22-005960
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 January 19, 2023, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Kevin Williams, Eligibility Specialist.

ISSUE

Did the Department properly deny Petitioner's application for Child Development and Care (CDC) benefits?

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 or around July 17, 2022, the Department placed Petitioner in noncooperation with child support requirements.
2. On or around [REDACTED] 2022, Petitioner submitted an application requesting CDC benefits.
3. On or around November 3, 2022, the Department sent Petitioner a Verification Checklist (VCL) instructing her to submit requested verifications by November 14, 2022. The VCL also instructed Petitioner to contact the Office of Child Support (OCS) to comply with child support requirements. (Exhibit A, pp.5-6)
4. On or around November 14, 2022, the Department sent Petitioner a Notice of Case Action, advising her that her CDC application was denied because she failed to cooperate with child support requirements. (Exhibit A, pp.7-8)

5. The Department asserted that Petitioner failed to contact the OCS until November 15, 2022. However, a review of the noncooperation summary in the Department's Bridges system showed a cooperation/comply date of November 1, 2022.
6. On or around December 13, 2022, Petitioner requested a hearing to dispute the Department actions with respect to her CDC application. (Exhibit A, pp.3-4)

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.

The custodial parents 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. Absent parents are required to support their children. Support includes **all** of the following: child support, medical support and payment for medical care from any third party. Cooperation is required in all phases of the process to establish paternity and obtain support and includes contacting the support specialist when requested and providing all known information about the absent parent, among other things. BEM 255 (January 2020), pp. 1-2, 9-13. When OCS determines a client is in noncooperation, the Department will generate a notice closing the effective programs or reducing the client benefit amount in response to the determination BEM 255, pp. 1-2. The noncooperation continues until a comply date is determined. BEM 255, pp. 9-13.

A client's cooperation with paternity and obtaining child support is a condition of CDC eligibility. BEM 255, pp. 1, 9-13. At CDC application, the client has 10 days to cooperate with the OCS. The Department informs the client to contact OCS in the verification checklist (VCL). The disqualification is imposed if the client fails to cooperate on or before the VCL due date when the factors listed in BEM 255 at pp. 12-13 are true. See BEM 255, pp.8-13. For CDC cases, a failure to cooperate without good cause with the OCS requirements will result in group ineligibility for CDC. The Department will close or deny the CDC case when a child support non-cooperation record exists and there is no corresponding comply date. BEM 255, pp. 13-14.

In this case, Petitioner requested a hearing disputing the Department's denial of her [REDACTED] 2022, CDC application. The Department representative testified that Petitioner's application was denied because she failed to cooperate with child support requirements by the due date identified in the VCL. The Department representative testified that on November 14, 2022, the Department issued the Notice of Case Action, denying Petitioner's CDC application. The Department representative testified that Petitioner did not contact the office of child support until November 15, 2022. However, during the hearing, the Department representative reviewed the child support noncooperation summary through Bridges and confirmed that Petitioner's cooperation/comply date was November 1, 2022. Petitioner disputed the Department's testimony that she failed to cooperate with child support requirements. Petitioner testified that prior to her application, she received letters from the OCS instructing her to provide information and on or around June 28, 2022, she responded to the forms online and uploaded the information. Petitioner asserted that she was having issues with her mail in November 2022 and did not receive the VCL until November 12, 2022. Petitioner testified that she contacted OCS on November 15, 2022 and received a response back from OCS that same day. The evidence presented showed that as of November 1, 2022, Petitioner was in placed in cooperation with child support requirements. Therefore, the November 14, 2022, denial of her CDC application was improper.

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 did not act in accordance with Department policy when it denied Petitioner's CDC application.

DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. If not already completed, remove the child support noncooperation sanctions/disqualification imposed on Petitioner's case;
2. Register and process Petitioner's [REDACTED] 2022, CDC application to determine her eligibility for CDC benefits from the application date, ongoing;
3. If eligible, supplement Petitioner and/or her provider for any CDC benefits that she was eligible to receive but did not from the application date, ongoing; and

4. Notify Petitioner in writing of its decision.

ZB/ml



Zainab A. Baydoun
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
Richard Latimore
Wayne-Conner-DHHS
4733 Conner
Detroit, MI 48215
**MDHHS-Wayne-57-
Hearings@michigan.gov**

Interested Parties
BSC4
L Brewer-Walraven
MOAHR

Via First Class Mail :

Petitioner
[REDACTED]
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