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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
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[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: February 15, 2024
MOAHR Docket No.: 23-008657
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 February 7, 2024. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Kimberly Owens, supervisor. Lynne Crittendon, lead support specialist with the Office of Child Support (OCS), testified on behalf of MDHHS.

ISSUE

The issue is whether MDHHS properly denied Petitioner's State Emergency Relief (SER) application.

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 an unspecified date, OCS determined that [REDACTED] [REDACTED] Petitioner's son (hereinafter, "Son") was uncooperative with obtaining child support for his child after failing to contact OCS despite sending multiple letters requesting contact.
2. On August 18, 2023, MDHHS imposed a child support disqualification against Son.
3. On November 8, 2023, Petitioner applied for SER seeking rent expenses.
4. As of November 2023, Petitioner's household included Son.

5. On November 22, 2023, MDHHS denied Petitioner's SER application due to Son's child support disqualification.
6. On November 28, 2023, Petitioner requested a hearing to dispute the denial of SER concerning rent. Petitioner additionally requested a hearing over food and medical benefits under the SER program.

CONCLUSIONS OF LAW

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049. SER policies are contained in the Emergency Relief Manual (ERM).

The first page of Petitioner's hearing request specifically requested a hearing concerning "rent to prevent eviction". Exhibit A, p. 3. The second page of Petitioner's hearing request checked a dispute only concerning SER. Exhibit A, p. 4. Petitioner's narrative specifically cited an SER dispute over rent, food, and medical. *Id.* However, SER does not include assistance for food or medical.¹ Petitioner testified she intended to dispute Food Assistance Program (FAP) and Medical Assistance (MA) eligibility. However, Petitioner's hearing request was too unclear to demonstrate such an intent. MDHHS reasonably objected to holding a hearing concerning FAP and MA programs due to the lack of notice.² Given the evidence, it is found that Petitioner gave MDHHS only notice of a dispute concerning food and medical under the SER program. Because SER does not include assistance for food or medical, Petitioner's hearing request concerning food and medical under SER will be dismissed due to a lack of administrative hearing jurisdiction.

Petitioner's hearing request did clearly express an intent to dispute a denial of SER for rent expenses. A Notice of State Emergency Relief Decision Notice dated November 22, 2023, stated that MDHHS denied SER to Petitioner due to child support non-cooperation of a group member. Exhibit A, pp. 7-9.

As a condition of SER eligibility, all the adults in the SER group must agree to take actions within their ability to make potential resources available. ERM 203 (October 2018) p. 1. Groups that are uncooperative with OCS are ineligible for SER. *Id.* SER ineligibility continues as long as the group member fails or refuses to pursue potential resources. *Id.* Disqualified SER groups are ineligible for SER until they comply. *Id.*

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

¹ See ERM 100 (October 2023) p. 1. for a list of services available under SER.

² Petitioner's hearing request also appears to have been premature. MDHHS credibly testified that a negative action on medical and food benefits was not sent until December 5, 2023: several days after Petitioner requested a hearing.

behalf of children for whom they receive assistance, unless a claim of good cause for not cooperating has been granted or is pending.³ BEM 255 (July 2023) p. 1. Cooperation is required in all phases of the process to establish paternity and obtain support. *Id.*, p. 10. It includes all 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). *Id.*

Petitioner applied for SER on [REDACTED] 2023.⁴ Exhibit A, pp. 10-27. At the time of SER application and denial, it was not disputed that Petitioner resided with Son.⁵ A single SER group consists of persons who occupy the same home. ERM 201 (October 2023) p. 1. MDHHS presented documentation indicating Son's ongoing child support disqualification beginning August 18, 2023. Exhibit A, p. 18. The evidence established that a SER group benefit, Son, had a child support disqualification at the time of SER denial.

Petitioner contended that MDHHS incorrectly deemed Son to be uncooperative with obtaining child support. An OCS lead specialist testified that there was no child support order for Son's child; thus, its system automatically sent multiple contact letters to Son requesting information about the parent absent from the home. After not hearing from Son, a disqualification was imposed in August 2023. It was not disputed that Son contacted OCS on December 7, 2023.⁶ For purposes of this decision, it will be found that Son's reporting should have resulted in child support compliance. However, as of December 7, 2023, MDHHS had already denied Petitioner's SER application due to child support non-compliance. Son's subsequent compliance would not resurrect the previous denied SER application.

Given the evidence, MDHHS properly denied Petitioner's SER application requesting rent assistance due to Son's noncompliance with child support. Under the circumstances, Petitioner's recourse is to reapply for SER.

³ Typically, OCS disqualified a mother for not providing paternal information. This case is atypical because MDHHS disqualified the father for being uncooperative in providing information about the absent parent.

⁴ Petitioner's application checked a request to seek mortgage expenses. Presumably, Petitioner's application intended to request rent expenses as stated within her hearing request.

⁵ Petitioner did not report residing with Son on the application. She later reported it to MDHHS during an interview.

⁶ It was unclear whether Son was compliant with OCS after the phone call. MDHHS was unable to provide details of the telephone call from December 7, 2023, in stating that its database was not available during the hearing.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law finds that Petitioner failed to establish administrative hearing jurisdiction for a dispute of food and medical benefits under the SER program, Concerning SER for food and medical, Petitioner's hearing request is **DISMISSED**.

The administrative law judge, based upon the above findings of fact and conclusions of law finds that MDHHS properly denied Petitioner's SER application dated [REDACTED] 2023 requesting rent assistance. The actions taken by MDHHS are **AFFIRMED**.

CG/nr



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 :

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