



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: February 26, 2024
MOAHR Docket No.: 23-009023
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Linda Jordan

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 on February 15, 2024, via teleconference. Petitioner appeared represented herself. Artia Barnes, Eligibility Specialist, and Alice Gilmer, Family Independence Manager, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department). Lynne Crittendon, Lead Support Specialist, appeared on behalf of the MDHHS Office of Child Support (OCS). MDHHS submitted proposed exhibits prior to the hearing, which were admitted as MDHHS Exhibit A, pp. 1-18.

ISSUE

Did MDHHS properly deny Petitioner's application for Child Development and Care (CDC) benefits due to noncooperation with child support requirements?

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 May 18, 2021, the MDHHS Office of Child Support (OCS) sent Petitioner a notice indicating that a child support case had been opened because she was receiving public assistance (Exhibit A, p. 9). The notice instructed her to provide information about herself and her family to MDHHS within ten days (Exhibit A, p. 9).
2. On May 24, 2021, MDHHS OCS sent Petitioner a letter regarding her Online Child Support Response Form (e842) (Exhibit A, p. 12). The letter indicated that MDHHS

needed more information and instructed Petitioner to call OCS by May 31, 2021 (Exhibit A, p. 12).

3. On August 6, 2021, the Office of Child Support (OCS) determined that Petitioner was in non-cooperation status due to failing to provide adequate information regarding the absent parent of her minor child (Exhibit A, p. 5).
4. On or about August 3, 2023, Petitioner spoke with an OCS representative and provided information about her minor child's absent parent.
5. On [REDACTED] 2023, Petitioner applied for CDC benefits.
6. On September 29, 2023, MDHHS sent Petitioner a Notice of Case Action informing her that her application for CDC benefits was denied, effective August 27, 2023 ongoing, for failure to verify certain information (Exhibit A, p. 7).
7. On December 8, 2023, Petitioner requested a hearing regarding the denial of her application for CDC benefits (Exhibit A, p. 3).

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. MDHHS 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, MDHHS denied Petitioner's request for CDC benefits for failure to cooperate with child support requirements.

Custodial parents must comply with all requests by OCS 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 (July 2023), p. 1. Failure to cooperate without good cause results in disqualification, which includes member removal or the denial or closure of program benefits, depending on the type of assistance. BEM 255, p. 2. Cooperation includes contacting the support specialist when requested, providing all known information about the absent parent, appearing at the office of the prosecuting attorney when requested, and taking any actions needed to establish paternity and

obtain child support. *Id.*, p. 10. Cooperation with OCS requirements is a requirement for CDC at application and redetermination. *Id.*, p. 2.

Here, the OCS representative testified that according to its notes, Petitioner provided conflicting information regarding her minor child's absent parent. OCS acknowledged that it spoke with Petitioner about the situation at least four times and that it received the Child Support Response Form (e842) upon request. OCS testified that Petitioner initially reported in 2021 that she met her child's father at a store, that they went to her friend's house, and that she did not have any other information about his identity. Then in 2023, Petitioner disclosed more information about her minor child's father including his first name, his build, his phone number, that she met him on social media, and that they arranged to meet in-person at the store. OCS testified that it attempted to use this information to identify the father, but was unable to make contact, because the phone number was no longer in service and the account on social media was deactivated.

At the hearing, Petitioner testified that she gave the OCS all the information that she had about her child's father. She credibly testified that they connected online, that she met up with him at a store and they went to her friend's house. She further testified that neither she nor her friend remained in contact with him and when she tried to locate him, she could no longer find him on social media. Petitioner affirmed that she provided MDHHS with all the information that she had regarding her minor child's absent parent during the August 3, 2023 telephone conversation.

OCS did not introduced evidence to refute Petitioner's account of the information that she provided to OCS, nor did OCS provide any proof that Petitioner was withholding information about the absent parent. The record shows that Petitioner responded to OCS's request for information about the absent parent and that Petitioner provided OCS with all the information known to her about his identity during the August 3, 2023 telephone interview. Thus, MDHHS failed to establish that Petitioner was noncooperative with child support requirements when she applied for CDC benefits.

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 MDHHS did not act in accordance with Department policy when it denied Petitioner's CDC application for failing to cooperate with child support requirements.

DECISION AND ORDER

Accordingly, MDHHS' decision is **REVERSED**.

MDHHS 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. Remove the child support non-cooperation sanction applied to Petitioner's case, as of August 3, 2023;

2. Reregister and reprocess Petitioner's [REDACTED] [REDACTED] 2023 application for CDC benefits;
3. Issue supplements to Petitioner or her provider(s) for any CDC benefits that she was eligible to receive, but did not, based on the [REDACTED] [REDACTED] 2023 application; and
4. Notify Petitioner of its decision in writing.

Linda Jordan

LJ/nr

Linda Jordan
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
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Petitioner

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