



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
DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: April 3, 2024
MOAHR Docket No.: 24-002242
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

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; 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 April 2, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Crystal Hackney, Assistance Payment Supervisor. Aretha Turner, Lead Support Specialist with the Office of Child Support (OCS), testified on the Department's behalf.

ISSUE

Did the Department properly deny Petitioner's request for State Emergency Relief (SER) Assistance for noncooperation with child support reporting obligations?

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 [REDACTED] 2024, Petitioner applied for SER assistance with non-heat electricity.
2. On August 1, 11, and 20, 2023, OCS sent Petitioner contact letters requesting that she provide information concerning the noncustodial parent of her minor child.
3. On August 20, 2023, Petitioner was placed into noncooperation status because she failed to respond to an August 1, 2023, contact letter and provide identifying information about the noncustodial parent of her minor child.

4. On August 28, September 27, October 19, and November 29, 2023, Petitioner contacted OCS and provided information concerning the noncustodial parent of her minor child.
5. On February 16, 2024, the Department sent Petitioner a SER Decision Notice notifying her that her request for SER assistance was denied for failing to cooperate with child support requirements.
6. On February 23, 2024, Petitioner requested a hearing to dispute the Department's decision.

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 SER program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

As a condition of SER eligibility, SER group members that are non-cooperative with the OCS are also ineligible for SER. ERM 203 (October 1, 2018), p. 2.

In this case, Petitioner requested a hearing disputing the denial of her request for SER assistance. The evidence establishes that the Department denied Petitioner's request for SER assistance because she failed to cooperate with the OCS regarding her child support requirements. However, the Department has failed to establish that Petitioner did not cooperate. Department policy defines cooperation as providing all known information about the absent parent. BEM 255 (February 1, 2024), p. 10. Here, the OCS acknowledged that Petitioner had been in contact with the office and had provided a name for her child's possible father and his date of birth but concluded that Petitioner was not in cooperation with her child support reporting obligations because she had not provided any identifiable and verifiable information that would allow the OCS to match the provided information with the child's possible father.

Here, Petitioner reported to the OCS that she was seeing the individual that she reported as her son's possible father for about 6 months, but he then blocked her on Instagram. Petitioner testified that she has given the OCS all the information about her son's possible father and has not withheld any information.

The OCS also found another individual registered at an address believed to be Petitioner's address and whose name was the same middle and last name as Petitioner's minor son. Petitioner testified that she did not know the individual that the

OCS identified and that she had never resided at the address that was purported to be a previous address for her.

At the hearing, the Department acknowledged that it did not have any reason to believe that Petitioner was withholding any information concerning the child's paternity. Because the Department failed to present any information to show that it had reason to believe that Petitioner was withholding information, the Department has failed to establish that Petitioner was in noncooperation with her child support reporting obligations. As such, Petitioner's request for SER assistance was improperly denied.

DECISION AND ORDER

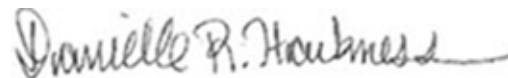
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it denied Petitioner's SER application.

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. Remove the child support noncooperation applied to Petitioner's case on or about August 20, 2023, and
2. Reprocess Petitioner's [REDACTED] 2024, SER application.

DH/nr



Danielle R. Harkness
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
235 S. Grand Avenue Ste. 810
Lansing, MI 48903
**DHS-OCS-Admin-
Hearings@michigan.gov**

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Petitioner

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