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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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EXECUTIVE DIRECTOR

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DIRECTOR

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Date Mailed: August 22, 2024
MOAHR Docket No.: 24-006564
Agency No.: ██████████
Petitioner: ██████████

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 July 24, 2024, via teleconference. Petitioner appeared and represented herself. Lori Turner, Hearings Facilitator, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department). MDHHS’ Hearing Packet was admitted into evidence as MDHHS Exhibit A, pp. 1-17.

ISSUE

Did MDHHS properly deny Petitioner’s application for State Emergency Relief (SER) due to a failure to comply 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 14, 2021, the Office of Child Support (OCS) placed Petitioner in non-cooperation status for failing to cooperate with child support requirements (Exhibit A, p. 13).
2. On June 30, 2021, Petitioner contacted OCS and provided information regarding her child’s potential father (Exhibit A, p. 14).
3. On or about ██████████ 2024, Petitioner applied for SER.
4. On April 5, 2024, MDHHS sent Petitioner a State Emergency Relief Decision Notice indicating that Petitioner’s request for rent to prevent eviction was denied due to a failure to comply with child support requirements (Exhibit A, p. 6).

5. On May 29, 2024, Petitioner requested a hearing regarding the SER denial (Exhibit A, p. 3).
6. On June 11, 2024, OCS placed Petitioner in cooperation status (Exhibit A, p. 14).

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

In this case, MDHHS denied Petitioner's application for SER for failure to cooperate with child support requirements. SER applicants must meet certain financial and non-financial eligibility requirements. ERM 101 (March 2013), p. 1. As a condition of SER eligibility, all 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 noncooperative with OCS are also ineligible for SER. *Id.*, p. 2.

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 (January 2020), p. 1. Failure to cooperate without good cause results in disqualification, which may include removing a group member or the denial or closure of program benefits. 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.

Here, OCS placed Petitioner in noncooperation status on May 14, 2021 (Exhibit A, p. 13). Subsequently, OCS documented contact with Petitioner on June 30, 2021 (Exhibit A, p. 14). However, MDHHS did not remove the noncooperation sanction from Petitioner's case until June 11, 2024. At the hearing, Petitioner credibly testified that she was attempting to cooperate with OCS and that she provided OCS with all the information that she had regarding the paternity of her child. It is unclear from the record why OCS did not remove the sanction after the conversation on June 30, 2021. MDHHS did not present any evidence to show that Petitioner was not forthcoming with information. Accordingly, MDHHS did not present sufficient evidence to support the noncooperation sanction.

Therefore, 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 SER 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 on or about May 14, 2021;
2. Reprocess Petitioner's SER application submitted on or about [REDACTED] 2024, and issue supplemental payments to Petitioner and/or her provider(s) for any SER benefits that she was eligible to receive but did not; and
3. Notify Petitioner of its decision in writing.

LJ/pt



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
Lansing, MI 48933
MDHHS-OCS-Admin-Hearings@michigan.gov

DHHS
Tara Roland 82-17
Wayne-Greenfield/Joy-DHHS
8655 Greenfield
Detroit, MI 48228
MDHHS-Wayne-17-hearings@michigan.gov

Interested Parties
BSC4
J. Mclaughlin
E. Holzhausen
MOAHR

Via-First Class Mail:

Petitioner
[REDACTED]
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