

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2008-30368

Issue No: 6043

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

November 3, 2009

Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on November 3, 2009. Claimant was present and testified. Dennis Troup, appeared on behalf of the department.

ISSUE

Did the Department of Human Services (department) properly deny claimant's Direct Support Service (DSS) request for a vehicle purchase?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) Claimant made a DSS request for a vehicle purchase in the late summer of 2008.
- (2) Claimant did not have a child living with her and was not receiving any ongoing benefits from the department at the time such as food stamps, medical assistance or cash

assistance. Claimant had only received assistance with a utility bill under the State Emergency Relief program.

(3) The department denied the DSS vehicle purchase request.

(4) On August 19, 2008, claimant filed a hearing request to contest the DSS determination.

CONCLUSIONS OF LAW

The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. Department of Human Services (DHS or department) policies are found in the State Emergency Relief Manual (SER).

The Department of Human Services (DHS) assists families to achieve self-sufficiency. The primary avenue to self-sufficiency is employment. DHS and the Michigan Works! Agencies (MWAs) provide Direct Support Services (DSS) to help families become self-sufficient. DSS goods and services are available to clients receiving certain other department benefits such as cash assistance under the Family Independence Program, child care assistance under the Child Development and Care program, Medical Assistance benefits, or Food Assistance Program benefits. PEM 232.

Direct Support Services (DSS) are goods and services provided to help families achieve self-sufficiency. Direct Support Services include Employment Support Services (ESS) and Family Support Services (FSS). There is no entitlement for DSS. The decision to authorize DSS is within the discretion of the DHS or the MWA. PEM 232. Employment Support Services (ESS) include, but are not limited to, transportation, special clothing, tools, physical exams, vehicle purchases and vehicle repair. PEM 232.

In the present case, there is very limited information available because claimant's case file from 2008 was not available at the hearing. However, based on the testimony of the parties, claimant requested a DSS vehicle purchase in the late summer of 2008. Claimant testified she had a job but needed a car to continue working. Claimant also testified she did not have a child living in the home with her and was not receiving any ongoing benefits from the department such as medical assistance, food assistance or cash assistance. The only benefit she had received from the department was assistance with a utility bill under the State Emergency Relief program.

Based upon the foregoing facts and relevant law, it is found that claimant was not eligible for a DSS vehicle purchase in the late summer of 2008. Claimant was a single individual who was not receiving any ongoing benefits from the department that would qualify her for DSS goods and services.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant was not eligible for a DSS vehicle purchase in the late summer of 2008.

Accordingly, the department's DSS determination is AFFIRMED.

/s/ _____
Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 12, 2009

Date Mailed: November 12, 2009

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the mailing date of the rehearing decision.

CL/cv

cc:

