

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: 2009-26189
Issue No: 2025; 6008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 17, 2009
Mecosta County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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 September 17, 2009, in Big Rapids. Claimant personally appeared and testified under oath.

The department was represented by Patricia McHugh (FIM) and Heather Muhick (ES).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUES

Did the department correctly deny claimant's Direct Support Services (DSS) application for auto repairs (to her personal vehicle) so that she can provide transportation for her mother to doctors' appointments and emergency room visits?

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 is a Direct Support Services (DSS) applicant. Claimant is currently a chore services provider for her mother, under the auspices of the department.

(2) Claimant was authorized to provide 80 hours per month of chore services to her mother. Two of the 80 hours are specifically authorized for grocery shopping for her mother. Only the grocery shopping chore services require the use of a car.

(3) Claimant's chore services grant does not include chauffeuring services to doctors' appointments or the hospital on an emergency basis.

(4) On April 14, 2009, claimant applied for DSS funds (\$345) to repair the transmission on her [REDACTED] pickup truck (approximately 200,000 miles).

(5) Claimant's application was reviewed by the DSS administrator who has ultimate discretion to authorize or deny DSS funds.

(6) On April 29, the DSS administrative denied claimant's application for vehicle repairs because: (a) claimant's mother lives next door to her; (b) only two hours per month are authorized under the chore services agreement for grocery shopping; (c) there are no chore services hours authorized for transportation to doctors' appointments; (d) transportation funding for doctors' appointments is available under other programs.

(7) On May 1, 2009, the caseworker notified claimant that her application for DSS was denied (DHS-4749).

(8) On May 11, 2009, claimant requested a hearing.

CONCLUSIONS OF LAW

The Direct Support Services program is designed to assist individuals to achieving self sufficiency via employment. PEM/BEM 232, 230A, 230B, 230C.

The DSS program is not designed to provide transportation to doctors' appointments or ER visits.

The DSS program is administered by a local office administrator who has ultimate discretion to approve or deny applications for DSS funding.

In the instant case, the DSS administrator denied claimant's request for auto repair funds because it was not an appropriate use of DSS funds given the unique facts presented by claimant.

After a careful review of the record and the testimony of the parties, the Administrative Law Judge adopts the DSS administrator's decision and rationale.

The undersigned Administrative Law Judge finds no evidence of arbitrary or capricious actions by the local office in resolving this matter.

Therefore, the denial taken by the department is correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly denied claimant's application for DSS funding to prepare her [REDACTED] pickup. Claimant's request for automobile repair does not fall within the mission of the DHS program, given the unique facts presented here.

Therefore, the action taken by the department is, hereby, **AFFIRMED**.

SO ORDERED.

/s/ _____
Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 29, 2010

Date Mailed: March 30, 2010

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 receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

JWS/tg

cc:

