

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: 2009-3612
Issue No: 6031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 14, 2010
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

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 April 14, 2010.

ISSUE

Did the Department of Human Services (DHS) properly deny claimant's direct support services request for automobile repairs?

FINDINGS OF FACT

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

- (1) On 9/25/08 claimant contacted her worker and requested assistance with automobile repairs.
- (2) Claimant submitted verification(s) regarding the repairs with the minimum amount of repair totaling [REDACTED] to make the vehicle road worthy.

(3) The Kelly Blue Book high value of the automobile was determined to be



(4) The cost of the repairs exceed the value of the automobile.

(5) On 10/9/08 the DHS issued a denial notice to claimant informing her that her requested repairs were denied on the grounds that the costs of the repair exceeded the value of the vehicle.

(6) On 10/27/08 claimant filed a hearing request.

(7) SOAHR scheduled an administrative hearing 18 months later.

CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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).

Applicable policy and procedure to the case herein is found in BEM Item 232-Direct Support Services. This item indicates that the monies which may be allotted for direct support services are monies that are for goods and services provided to help families to achieve self sufficiency. It is an attempt to help remove barriers to employment as well as other reasons.

This item states at the onset that: “there is no entitlement for DSS. The decision to authorize DSS is within the discretion of the DHS or MWA.”

Under this authority, as this program is discretionary, this Administrative Law Judge decides there is no jurisdiction for the ALJ to review the substantive issues. The remaining decision will review the procedural issues only.

In this case, the department’s policy indicates that repairs would not be granted in situations where the cost of repairs exceeds the value of the vehicle. See BEM Item 232. This is a reasonable policy. This ALJ has no comparison with regards to other applicants. However, there is no indication that the department has failed to apply its policy—it is procedurally fair on its face and presumably fair in its procedure/application across the board.

In this case, this Administrative Law Judge finds that the department correctly applied its policy herein. Verification indicates that the cost of the repairs which is a minimum of [REDACTED] exceeds the [REDACTED] value of the vehicle. As such, the department denied the claimant’s application under the authority of BEM Item 232. This Administrative Law Judge likewise finds the policy procedurally fair and correct and thus, upholds the department’s denial.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department's actions were correct.

Accordingly, the department's denial is upheld.

/s/ _____
Janice G. Spodarek
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 28, 2010

Date Mailed: April 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 mailing 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.

JS/lk

cc:

