

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201011231
Issue No.: 5034
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 27, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on September 27, 2010. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Did the Department properly deny Claimant's application for vehicle purchase assistance through the Direct Support Services program?

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 requested assistance for vehicle repair assistance through the Direct Support Services program.
2. Claimant's request was denied on October 23, 2009 because "cost of repairs exceeds value of Kelly Blue Book."
3. The Kelly Blue Book estimate for a 1997 Pontiac Transport SE Minivan is \$1075 excellent, \$950 good, \$725 fair. (Exhibit 18).
4. The estimate provided by Claimant from [REDACTED] is for \$1000. (Exhibit 6).

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5. Claimant requested hearing on October 27, 2009 contesting the denial of vehicle repair assistance.

CONCLUSIONS OF LAW

The Family Independence program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human services (DHS or Department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependant Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference manual (PRM).

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. Definitions Direct Support Services (DSS) are goods and services provided to help families achieve self-sufficiency. DSS includes Employment Support Services (ESS) and Family Support Services (FSS) that directly correlates to removing an employment-related barrier. BEM 232 There is no entitlement for DSS. The decision to authorize DSS is within the discretion of the DHS or the MWA. BEM 232.

You may authorize vehicle repairs for each participant for a vehicle that is the primary means of transportation for employment-related activities, **even if** public transit is available. The total DHS/MWA cost of repairs may not exceed \$900 including any repairs done in the previous 12 months. Clients may contribute any amount over \$900 prior to DHS payment. For FIP recipients, refer to [Clients Served by MWA](#) earlier in this item. In a two-parent family, if both parents are participating and need **separate** vehicles, each may receive vehicle repairs. Prior approval is required for this service except for emergency repairs that occurred outside of DHS office hours. Before authorizing a major repair, ensure that all of the following conditions are met: • An eligible group member owns the vehicle. • The client requesting the service has a valid drivers license.

- The repair is expected to make the vehicle safe and roadworthy including new tires, headlamps, batteries, etc. **Note:** If the client requesting the service does not have a valid drivers license, but has someone else use their vehicle to drive them, document the name of the person driving the vehicle. Verify a valid driver's license only if the information received is questionable. A vehicle may be repaired for a currently employed client if the client: • Needs a vehicle to accept a verified offer of a better job **or** needs a vehicle to retain current employment; **and** has a demonstrated ability to maintain a job. A vehicle may be repaired for a client who is not currently employed if the client needs a vehicle to accept a verified job offer; **or** needs a vehicle to participate in family self-sufficiency activities that will prepare the client for employment. BEM 232.


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In the present case, the evidence presented by the Department supports their determination that Claimant did not qualify for vehicle repair assistance. Claimant at hearing disputed the Kelly Blue Book estimate of the value of her vehicle, alleging that the vehicle description was inaccurate, but presented insufficient evidence to support her position. This Administrative Law Judge finds that the Department did not abuse its discretion in denying Claimant's request for vehicle repair assistance through the direct supportive services program. The Department presented several legitimate non-discriminatory reasons for denying Claimant's request. Accordingly, the Department's denial of vehicle repair assistance is proper and correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was correct in the denial of Claimant's request for vehicle repair assistance through the Direct Supportive Services program and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.

/s/



Aaron McClintic
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: September 30, 2010

Date Mailed: September 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.

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