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: 2010-33621
Issue No: 6031
Case No: [redacted]
Load No:
Hearing Date:
August 26, 2010
Monroe County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

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 hearing was held on August 26, 2010. The claimant personally appeared and provided testimony.

ISSUE

Did the department abuse its discretion when it denied the claimant's Direct Support Services application for a car 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. The claimant requested assistance with direct supportive services for the purchase of a vehicle.

2. On October 2, 2009, the claimant provided the seller's statement and the vehicle inspection statement. (Department Exhibit 1 – 2)

3. The department worker initially erred and sent the claimant an approval notice on November 5, 2009. (Department Exhibit 7 – 8)

4. The department then notified the claimant that the request was being denied. (Department Exhibit 9)

5. The claimant submitted a hearing request on November 16, 2009.

CONCLUSIONS OF LAW

Direct Support Services (DSS) are goods and services provided to help families achieve self-sufficiency. Department policy indicates that no entitlement to DSS. The decision to authorize DSS is within the discretion of the Department of Human Services or Michigan Works Agency. BEM 232.

The claimant requested DSS assistance with the purchase of a vehicle. The claimant requested $2000 from the department to purchase a Volkswagon Jetta. The department worker testified that she initially erred and approved the request, not knowing there was a new procedure in effect. Once the worker learned she couldn't approve the request, the claimant was notified that the request was going to be denied.

The claimant is requesting a hearing on a program that is not an entitlement. In other words, the decision to approve any DSS requests is solely within the discretion of the department. Thus, this Administrative Law Judge can only determine if the denial of the request was an abuse of discretion.

In this case, this Administrative Law Judge finds no abuse of discretion. The department worker provided a copy of Management Directive Letter 09-03, which was issued by the County Director. The county's allocation of DSS funds decreased about 40% from the previous fiscal year, thus causing the county to have very sparse funding for the DSS program. For the 2010

fiscal year, the Director must approve all DSS requests. In this case, once it was brought to the Director, it was denied. The denial has not been shown to be an abuse of discretion.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not abuse their discretion by denying the claimant's Direct Support Services application for a car purchase.

/s/
Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 31, 2010

Date Mailed: August 31, 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.

SLM[redacted]

cc: [redacted]