

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.: 2010-47123
Issue No.: 5034
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 17, 2010
Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 November 17, 2010. The claimant appeared and testified and his wife [REDACTED] appeared and testified. [REDACTED], ES appeared and testified on behalf of the Department.

ISSUE

Did the Department properly deny the Claimant's application for Employment Support Service (ESS) funds for vehicle repair?

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 applied for vehicle repair under the Direct Support Services Program on December 29, 2009.
- 2) The Department denied the Claimant's application on January 5, 2010 because he was not employed at the time. Exhibit 1
- 3) The Department also checked its Bridges system and did not have a record of the Claimant attending the Work First program.
- 4) The Claimant's application for DSS does not indicate that he was in school or attending WorkFirst.

- 5) At the time of the application, the Claimant was not attending school and was not attending WorkFirst and was not employed and was about to begin receiving unemployment benefits.
- 6) The Department denied the application for Direct Support Services on January 5, 2010.
- 7) The Department properly denied the Claimant's application because the Claimant was not eligible as he was unemployed and was not in school or attending WorkFirst at the time of the application.
- 8) The Department followed the correct policy and determined that the Claimant was not eligible to receive Direct Support Services because the claimant was not employed.
- 9) The Claimant requested a hearing on from a notice dated May 28, 2010 which was received by the department June 3, 2010 protesting the denial of the DSS application for vehicle repair.

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 (formerly known as the Family Independence Agency) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

Under BEM 232 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.

Under Bridges Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal or improper. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

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The relevant policy can be found in BEM 232:

Funds for direct support services for FIP, CDC, MA, and FAP Families, are allocated to local offices annually. Local offices must prioritize the services provided to assure expenditures do not exceed their allocation. BEM 232, Page 1.

There is no entitlement for DSS (Direct Support Services). The decision to authorize DSS is within the discretion of the DHS or the MWA. Id.

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 page 12.

The Claimant was denied vehicle repair costs by the Department because at the time of his application he did not meet the program eligibility requirements. At the time of his application, the Claimant was not employed and had been separated from his employment. The letter from the employer indicated that he was off the payroll but was eligible for future employment. The Claimant worked for a temporary staffing agency and was eligible for future placement but did not have a placement or offer at the time of his application for car repair. In order to be eligible for car repair the Claimant need to have a verified job offer or participate in WorkFirst. As the Claimant was not involved in either of these activities he did not meet either of these eligibility criteria.

Based upon the record presented at the hearing, the Department did not abuse its discretion when it made that determination that the Claimant was not employed and did not demonstrate he needed a vehicle to accept a verified job offer or to participate in WorkFirst. The Department properly followed its policy set forth in BEM 232 referenced above.

The Administrative Law Judge is not unsympathetic to the Claimant's plight, however, based on the record as a whole the Department acted within the lawful discretion given

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to it and acted within its discretion with regard to the denial of the Claimant's DSS application.

The Claimant is encouraged to reapply for Direct Support Services if he becomes employed, attends WorkFirst or gets a verified offer of a job.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's decision to deny the Claimant ESS funds for vehicle repair was within its discretion and therefore must be and is ordered AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/29/2010

Date Mailed: 11/29/2010

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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