

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.: 2010-45566
Issue No.: 5034
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 9, 2010
Wayne County DHS (17)

ADMINISTRATIVE LAW JUDGE: Colleen Mamelka

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 hearing was held in Detroit, Michigan on Thursday, September 9, 2010. The Claimant appeared and testified. [REDACTED] and [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's request for vehicle repair assistance?

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 submitted a request for vehicle repair assistance for her 1995 Lincoln Continental on February 5, 2010.
2. On February 11, 2010, the Department searched the [REDACTED] database for vehicles owned by the Claimant but only a [REDACTED] showed up. (Exhibit 1, pp. 4, 5)
3. The Claimant was instructed to bring in the title or vehicle registration to establish ownership for the [REDACTED].
4. The Claimant failed to bring in evidence of ownership.
5. On May 4, 2010, the Claimant submitted a request for hearing. (Exhibit 2)

6. On May 17, 2010, the Department sent a verification checklist to the Claimant seeking proof of vehicle ownership and an updated repair estimate. (Exhibit 1, pp. 6, 7)

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 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").

The Department of Human Services assists families to achieve self sufficiency. BEM 232 The primary avenue to self-sufficiency is employment. *Id.* Direct Support Services ("DSS") are goods and services provided to help families achieve self-sufficiency. *Id.* There is no entitlement to DSS and the decision to authorize DSS is within the discretion of the Department of Human Services or the Michigan Works! Agency. *Id.* Vehicle repairs may be authorized to an individual for a vehicle that is the primary means of transportation for employment-related activities even if public transit is available. *Id.* The total repair costs may not exceed \$900.00 including any repairs performed during the preceding 12 months. *Id.* Prior to authorization, the following conditions must be met:

- An eligible group member owns the vehicle
- The client requesting the service has a valid driver's license
- The repair is expected to make the vehicle safe and roadworthy including new tires, headlamps, batteries, etc.

Id. 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. *Id.*

In this case, the Claimant requested DSS for repair to a [REDACTED]. As required by policy, the Department requested proof of ownership. The Claimant was unable to obtain thus submit proof of ownership so the vehicle repair request was never authorized. Under these facts, the Department established it acted in accordance with Department policy when it did not authorize the vehicle repair request.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds the Department established it acted in accordance with department policy when it did not authorized the vehicle repair.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

Colleen M. Mamelka

Colleen Mamelka
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 9/14/2010

Date Mailed: 9/14/2010

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.

CM/jlg

cc:

