

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: 2010-4558

Issue No: 6043

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

November 4, 2009

Monroe County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 November 4, 2009. Claimant was present and testified. [REDACTED], claimant's mother, also appeared and testified. Michelle Guzman-Merrill, FIS, appeared on behalf of the department.

ISSUE

Did the Department of Human Services (department) properly deny claimant's Direct Support Service (DSS) request for a vehicle 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) Claimant made a DSS request for a vehicle purchase on June 24, 2009.
- (2) The department ran a Secretary of State clearance, which showed that claimant owned three vehicles. (Department Exhibit 1, pgs. 6-9)

(3) Claimant testified that only one of the cars was really hers and that vehicle was repossessed on June 30, 2009.

(4) Claimant testified she requested the finance company repossess her car due to the expense of repairs the vehicle needed.

(5) The department denied the DSS vehicle purchase request on July 7, 2009.

(Claimant Exhibit 1)

(6) On August 19, 2009, claimant filed a hearing request to contest the DSS determination.

CONCLUSIONS OF LAW

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. DSS goods and services are available to clients receiving certain other department benefits such as cash assistance under the Family Independence Program, child care assistance under the Child Development and Care program, Medical Assistance benefits, or Food Assistance Program benefits. BEM 232.

Direct Support Services (DSS) are goods and services provided to help families achieve self-sufficiency. Direct Support Services include Employment Support Services (ESS) and Family Support Services (FSS). Employment Support Services (ESS) include, but are not limited to, transportation, special clothing, tools, physical exams, vehicle purchases and vehicle repair. BEM 232. There is no entitlement for DSS. The decision to authorize DSS is within the discretion of the DHS or the MWA. 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.

In the present case, claimant requested a DSS vehicle purchase on June 24, 2009. When the department ran a Secretary of State clearance, it showed that claimant owned three vehicles, a 1999 Pontiac, a 2000 Dodge, and a 1999 Mercury. (Department Exhibit 1, pgs. 5-9) The department notes indicate they called claimant, who stated the cars had been repossessed. (Department Exhibit 1, pg. 1) At the hearing, claimant testified she did not own two of the vehicles at the time of the DSS vehicle purchase request, and that the third was repossessed on June 30, 2009.

Claimant testified that the 2000 Dodge on the report was never really hers, but appeared in her name because she assisted someone else when they purchased that vehicle. Claimant further testified that the vehicle has since been sold to a new owner and additional documentation was submitted to support her testimony. A letter from [REDACTED] indicates they purchased the 2000 Dodge from a [REDACTED] on May 19, 2009. Also a State of Mississippi title, dated April 22, 2008, for a 2000 Dodge with same VIN number listed on the Secretary of State clearance report lists only [REDACTED] as the owner. This title is also signed over to [REDACTED]. (Claimant Exhibit 2, pgs. 2-4)

Regarding the 1999 Pontiac, claimant submitted a notarized statement from [REDACTED] [REDACTED] stating that she purchased the vehicle, with the same VIN number listed on the Secretary of State clearance report, from claimant July 5, 2007, and it is registered to [REDACTED]

Regarding the 1999 Mercury, claimant testified she first requested the finance company repossess the car in May 2009 due to the expense of needed repairs. Claimant testified the repairs were too expensive and she made multiple calls to the finance company in May and June 2009 before they finally picked up the vehicle on June 30, 2009.

However, the department contacted the finance company on July 2, 2009. The finance company stated that claimant called them in early June 2009 about a warranty for repairs, which they could not help her with, but they were able to defer a payment so that claimant could get the

repairs. The finance company also indicated that claimant called on June 30, 2009 requesting that they repossess the car for reasons including a leak, claimant not being able to make a payment and because claimant had a new car. (Department Exhibit 1, pgs. 1-2) The finance company did eventually repossess the car as evidenced by the July 2, 2009 Notice of Our Plan to Sell Property issued to claimant.

The department notes indicate the DSS request for a vehicle purchase was denied because she already owned a vehicle when she made the DSS request for a new vehicle and because she created the need for a new vehicle by requesting the repossession. (Department Exhibit 1, pg. 2) The additional evidence submitted by claimant indicates she did not own two of the three vehicles listed on the Secretary of State clearance when she made the DSS request on June 24, 2009. However, the department was correct in finding that claimant still owned the 1999 Mercury when she made the DSS request on June 24, 2009 and that claimant called the finance company requesting that they repossess the car.

Based upon the foregoing facts and relevant law, it is found that department was within its discretion to deny claimant's request for a DSS vehicle purchase under BEM 232. Claimant still owned one vehicle when she applied for the DSS vehicle purchase on June 24, 2009 and requested the finance company repossess this car due to the expense of needed repairs. However, the claimant did not pursue available assistance with the repair expenses, such as working with the finance company to defer payments or applying for DSS vehicle repair instead of a vehicle purchase.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that that department was within its discretion to deny claimant's request for a DSS vehicle purchase.

Accordingly, the department's DSS determination is AFFIRMED.

/s/ _____
Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 13, 2009

Date Mailed: November 13, 2009

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 mailing date of the rehearing decision.

CL/cv

cc:

