

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.: 20108484

Issue No.: 5034

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

May 17, 2010

Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 on March 10, 2009. After due notice, an in-person hearing was conducted from Oakland County, Michigan on May 17, 2010. The Claimant appeared and testified along with [REDACTED], Case Manager, [REDACTED]. [REDACTED], Case Manager, [REDACTED] FIM and [REDACTED], FIS appeared for the Department.

ISSUE

Whether the Department properly denied the Claimant Direct Support Services (DSS) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On December 12, 2008, the Claimant entered into a purchase agreement with [REDACTED] for the purchase of a \$4,000.00 car.
2. Claimant's synagogue and employer agreed to assist in the purchase of said car. (Exhibit 1, p. 5).
3. On December 15, 2008, the Claimant applied for help with the remaining balance on the purchase of the vehicle. (Exhibit 1, p. 3).
4. The Department issued a verification request regarding the car. (Exhibit 1, p. 7).
5. On 2/10/09, M&M Car sales issues a letter indicating that Claimant "purchased a vehicle from us on 12/12/08 . . . There is still a balance of \$1,200.00 owing on this car. We are waiting for a check from the Department of Human Services." (Exhibit 1, p. 2).
6. On 2/12/09, Claimant sent a fax to the Department indicating that "The dealer gave me the car in confidence that the \$1200 assistance would come within 30 days." (Exhibit 2).
7. On May 10, 2010, M&M Car Sales issued a second letter indicating "This letter is to inform you that I have formally dated a letter stating the sale of [the car to Claimant] was on 12/12/08. We actually sold the vehicle on 12/30/08." (Exhibit A, p. 1).
8. On 2/24/09, the Department denied the DSS benefits as Claimant had already purchased the car.
9. Claimant received a loan from a charitable fund to pay off the balance of the car. (Exhibit B).

10. On March 2, 2009 the Department received the Claimant's hearing request protesting the denial of DSS benefits.

CONCLUSIONS OF LAW

The Direct Support Services (DSS) program is established pursuant to Title XX of the Social Security Act, 42 USC 1397, *et seq.* The Department of Human Services (formerly known as the Family Independence Agency) administers the DSS program. The DSS program assists families to achieve self-sufficiency primarily through employment. Department policies are found in the Bridges/Program Administrative Manual ("BAM/PAM"), the Bridges/Program Eligibility Manual ("BEM/PEM"), and the Reference Tables ("RFT").

The Department may authorize up to \$2,000 to purchase, not lease, a vehicle to be used as a participant's primary means of transportation for work or employment-related activities. Vehicle purchase is limited to once in a client's lifetime. Prior approval is required for this service. BEM 232, p. 12.

In addition, ensure all of the following before authorizing the purchase:

- Public transportation is not reasonably available (such as, considering the location and hours of the employment, child care or long commute as defined as good cause in BEM 233A), and the person has no other means to reach the job site reliably.
- The client has the ability to afford any payments, insurance and other expenses associated with owning the vehicle.
- The client has a valid Michigan driver's license.
- The vehicle must be registered to an eligible group member and insured, at a minimum, for public liability and property damage (PLPD). Insurance, license plates, or drivers education classes are covered under Other ESS later in this item and do not reduce the \$2,000 lifetime limit.
- A vehicle inspection by a licensed mechanic is required.

BEM 232, p. 13. The Department should verify that the cost of the vehicle or repairs will not exceed the vehicle's retail value. BEM 232, p. 25.

In the present case, there is a dispute as to when the car was actually purchased. While it is true that the purchase agreement was entered into on 12/12/08, that is not necessarily the date that Claimant purchased the car. The evidence reveals, however, that the car was purchased on 12/30/08 which means that Claimant actually purchased the car before receiving approval from the Department for this vehicle. This is supported by the Claimant's 2/12/09 fax indicating that the dealer gave him the car relying on payment from the Department. The DSS program specifically requires pre-approval before a car can be purchased. Unfortunately, Claimant obtained the car before approval was given which then alleviated his need for DSS funds.


In addition, Claimant was not claiming that he needed the vehicle for transportation to his employment, rather he needed it for his wife to transport a minor child to doctors' appointments. DSS funds are available to promote self sufficiency and that is why funds are granted to obtain transportation to employment.

Accordingly, based on the findings of fact and rules of law listed above, the Administrative Law Judge finds that the Department properly denied Claimant DSS benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly denied the Claimant DSS benefits.

Accordingly, the Department's 2/24/09 denial of DSS benefits is **AFFIRMED**.

/s/ 
Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 10, 2010

Date Mailed: June 10, 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.

JV/htw

cc:

