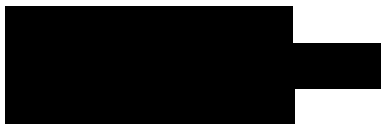


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 20109522
Issue No.: 5034
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 30, 2010
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 September 30, 2010. The Claimant appeared at the hearing and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Did the Department properly deny Claimant's application for vehicle purchase assistance through the Direct Support Services program?

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 requested assistance for the vehicle purchase assistance program through the Direct Support Services program.
2. Claimant purchased a vehicle after receiving a loan from her parents, prior to the request for vehicle purchase assistance being processed.
3. On July 7, 2009 Claimant requested reimbursement for purchase of the vehicle.
4. Claimant requested hearing on September 15, 2009 contesting the denial of vehicle purchase assistance and refusal of the Department to reimburse her for purchase of a vehicle.

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 (DHS or Department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependant Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference manual (PRM).

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. Definitions Direct Support Services (DSS) are goods and services provided to help families achieve self-sufficiency. DSS includes Employment Support Services (ESS) and Family Support Services (FSS) that directly correlates to removing an employment-related barrier. BEM 232. There is no entitlement for DSS. The decision to authorize DSS is within the discretion of the DHS or the MWA. BEM 232.

Vehicle Purchase FIP, CDC, MA, FAP Family-- You 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. For FIP recipients, refer to [Clients Served by MWA](#) earlier in this item. Vehicle purchase is limited to once in a client's lifetime. Prior approval is required for this service. In a two-parent family, if both parents are required to participate and need separate vehicles, each may receive the service. A vehicle may be purchased 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 purchased for a client who is not currently employed if the client: • Has a demonstrated ability to maintain a job. • Needs a vehicle to accept a verified job offer. • Needs a vehicle to participate in family self-sufficiency activities that will prepare the client for employment. 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. Vehicle purchases made by DHS are not exempt from use and sales tax collected by the Secretary of State. BEM 232.

In the present case, Claimant alleges that her worker, [REDACTED], told her that the Department would reimburse her for purchase of a vehicle after her parents loaned her money. [REDACTED], Claimant's worker, denies that he told Claimant the Department would reimburse her and merely said "Yes, your parents can buy you a car." This Administrative Law Judge finds the testimony of [REDACTED] credible. Even if [REDACTED] had told Claimant the Department would reimburse, this would not have been actionable because it is contrary to Department policy. No paperwork had been submitted at the time this conversation took place on June 18, 2009. Claimant appears to be making an equitable, promissory estoppel argument. This Administrative Law Judge has no equitable powers and could not award the benefit on this basis, even if the argument had merit.

This Administrative Law Judge finds that the Department did not abuse its discretion in denying Claimant's request for vehicle purchase assistance through the Direct Supportive Services program. The Department presented several legitimate non-discriminatory reasons for denying Claimant's request. Accordingly, the Department's denial of vehicle purchase assistance is proper and correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was correct in the denial of Claimant's application for vehicle purchase assistance through the Direct Supportive Services program and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.

Aaron McClintic
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: _____

Date Mailed: _____

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.

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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.

AM/hw

cc:

