

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.: 2011-15286
Issue No.: 1014
Case No.: [REDACTED]
Hearing Date: March 28, 2011
DHS County: Oakland (63-04)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on March 28, 2011. Claimant appeared and testified. [REDACTED] appeared and testified as witnesses for Claimant. [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether Claimant is eligible to receive Family Independence Program (FIP) Direct Support Services (DSS) benefits from DHS?

FINDINGS OF FACT

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

1. At all times related to this matter, Claimant was single and unemployed.
2. In about November 2010, Claimant applied for FIP-DSS benefits with DHS.
3. Claimant requested assistance to purchase a car.
4. Claimant is not a recipient of FIP, Child Development and Care, Medical Assistance or Food Assistance Program benefits from DHS.
5. On or about November 11, 2010, DHS denied DSS benefits to Claimant, stating she was ineligible.

6. On November 17, 2010, Claimant filed a request for hearing notice with DHS.

CONCLUSIONS OF LAW

FIP was established pursuant to the U.S. Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601 *et seq.* DHS administers the FIP program pursuant to MCL 400.10 *et seq.*, and Michigan Administrative Code Rules 400.3101-400.3131. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

The manuals are the policies and procedures that DHS officially created for its own use. While the manuals are not laws created by Congress or the Michigan State Legislature, they constitute the legal authority which DHS must follow. It is to the manuals that I look in order to see what policy applies in this case. After setting forth what the applicable policy is, I will examine whether it was in fact followed in this case.

DHS cited BEM 232, "Direct Support Services," to me as the relevant manual item in this case. I agree with DHS and will examine this item to determine DHS policy in this matter.

BEM 232 indicates in an overview statement that DSS is a program designed to help employed clients to remove barriers to employment.

DIRECT SUPPORT SERVICES

DEPARTMENT POLICY

FIP, CDC, MA, FAP Family, FAP Non-Family

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, p. 1.

Both the title and the first two sentences of BEM 232 indicate to me that DSS benefits are available only to employed people in one of the four programs identified in the title and the Definition. I have found as fact above that Claimant was not participating in any of these four programs at the time she applied for DSS. Therefore, I find and conclude that DHS was correct in its determination that Claimant is not eligible for DSS benefits.

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Having considered all of the evidence and testimony in this case as a whole, I find and determine that DHS is AFFIRMED in its denial of DSS benefits to Claimant. DHS need take no further action in this case.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, concludes and determines that DHS is AFFIRMED in its denial of DSS benefits to Claimant. DHS need take no further action in this case.

IT IS SO ORDERED.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 11, 2011

Date Mailed: April 13, 2011

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.

JL/pf

cc:

