

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-26881
Issue No.: 5034
Case No.: [REDACTED]
Hearing Date: June 1, 2011
DHS County: Wayne (82-49)

ADMINISTRATIVE LAW JUDGE: Colleen M. 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 telephone hearing was conducted from Detroit, Michigan, on Wednesday, June 1, 2011. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly denied the Claimant's application for Direct Support Services ("DSS")?

FINDINGS OF FACT

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

1. The Claimant submitted an application for DSS seeking assistance with the purchase of a vehicle.
2. The Claimant was not an active recipient of public benefits.
3. On March 25, 2011, the Department denied the Claimant's application.
4. On March 25, 2011, the Department received the Claimant's timely written request for hearing.

CONCLUSIONS OF LAW

The Department assists families to achieve self sufficiency. BEM 232. The primary avenue to self-sufficiency is employment. BEM 232. DSS are goods and services provided to help families achieve self-sufficiency. BEM 232. There is no entitlement to DSS and the decision to authorize DSS is within the discretion of the Department or the Michigan Works! Agency. BEM 232. 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. BEM 232. Employment Support Services (“ESS”) include, in part, assistance with the repair or purchase of a vehicle. BEM 232. Funds for DSS are used for individuals/groups that receive cash, food, child care, and/or medical assistance. BEM 232.

In this case, at the time of application, the Claimant was not a recipient of public benefits. DSS, to include ESS, are available to current recipients only. In light of the foregoing, the Department’s denial of the DSS application was proper.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds the Department established it acted in accordance with Department policy when it denied the Claimant’s DSS application.

Accordingly, it is ORDERED:

The Department’s Determination is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: June 14, 2011

2011-26881/CMM

Date Mailed: June 20, 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.

CMM/pf

cc:

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