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

IN THE MATTER OF: Issue Reg. No.: No.: Case No.: Hearing Date: DHS County:

2011-274 <u>1014</u>	484
June 6, 2	2011

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 June 6, 2011. The Claimant appeared at the hearing and testified.

## ISSUE

Did the Department properly deny Claimant's applic ation for vehicle purchas e assistance through the Direct Support Services program?

# FINDINGS OF FACT

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

- 1. Claimant applied for the vehicle pur chase assistance program through the Direct Support Services program on February 15, 2011 requesting \$1200.
- 2. The father of Claimant 's childr en, **bench and**, lives in Claimant's household and is in Claimant's FAP group.
- 3. Claimant's application was denied on March 8, 2001 becaus e she had other resources available, bec ause hous ehold mem ber had money in a bank account.
- 4. deposited a tax refund of \$6954 in his bank ac count on February 4, 2011.

5. Claimant requested hear ing on March 16, 2011 contesting the denial o f vehicle purchase assistance.

### CONCLUSIONS OF LAW

The Family Independence program (FIP) was est ablished 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. T he FIP program replaced the Aid to Dependant Children (ADC) program effectieve Oct ober 1, 1996. Department polic is 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-suffi ciency 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 ac hieve 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 vehic le 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 reasonab ly available (s uch as, considering the location and hours of the employment, child care or long commute as

defined as good cause in BEM 233A), and the pers on has no other means to reach the job site reliably.

- The client has the ability to affo rd any payments, i nsurance 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 liabili ty and property damage (PLPD). Insurance, license plates, or driv ers education clas ses are covered under Other ESS later in this item and do not reduce t he \$2,000 lifetime limit. A vehicle inspection by a lic ensed mechanic is required. Vehicle purchases made by DHS are not ex empt from use and sales tax collected by the Secretary of State. BEM 232

In the present case, Claimant acknowledged that **acknowledged** tha

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department w as 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.

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

Date Signed: June 14, 2011

Date Mailed: June 15, 2011

**NOTICE**: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party wit hin 30 day s of the mailing date of this Decision and Order. Admi nistrative 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 r equest for rehearing was made, within 30 days of the receipt date of the rehearing decision.

AM/cl

