

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-34317
Issue No.: 1014
Case No.: [REDACTED]
Hearing Date: June 15, 2011
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Susan Burke

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on June 15, 2011. Claimant appeared and testified. The Department of Human Services (Department) was represented by [REDACTED] FIM.

ISSUE

Was the Department correct in its decision to deny Claimant's application for Family Independence Program (FIP) Direct Support Services?

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 lived in the same household as her child's father in 2000.
2. Claimant's child's father applied for and received a grant for a vehicle purchase in 2000.
3. Claimant's child's father moved out of Claimant's household.
4. Claimant applied for a vehicle purchase in April of 2011, when Claimant's child's father was not part of Claimant's household.
5. On April 30, 2011, the Department denied Claimant's application for vehicle purchase due to vehicle purchase being limited to once in a client's lifetime.

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 administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM), which includes the Reference Tables (RFT.)

BEM 232, p. 12 dictates:

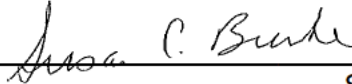
You may authorize up to \$2,000 to purchase, not lease, a vehicle to be used as a participant's primary means of transportation for work or employment-related activities. For FIP recipients, refer to Clients Served by MWA earlier in this item. Vehicle purchase is limited to once in a client's lifetime. 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.

In the present case, Claimant's child's father, who lived in Claimant's household in 2000, applied for and received a grant for a vehicle purchase. Since 2000, Claimant's child's father moved out of Claimant's household. In 2011, Claimant applied for a vehicle purchase and was denied due to a vehicle purchase being limited to once in a client's lifetime. The Department argued at the hearing that had the father stayed in the household, Claimant would have been entitled to the vehicle purchase, as Claimant would be part of a two-parent household. I am not persuaded by the Department's reasoning. It appears that the Department penalized Claimant for Claimant's child's father moving out of Claimant's household. Claimant never in fact received monies for a vehicle purchase in her lifetime. Therefore, the Department was not correct in its decision to deny Claimant's application for vehicle purchase.

DECISION AND ORDER

Based upon the above findings of fact and conclusions of law, it is concluded that the Department was not correct in its decision to deny Claimant's application for vehicle purchase and it is ORDERED therefore that the Department's decision is REVERSED. It is further ORDERED that the Department shall reinstate and reprocess Claimant's application for vehicle purchase that was denied by the Department on April 30, 2011.



Susan Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 6/20/11

Date Mailed: 6/20/11

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.

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