

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: 20114518

Issue No: 1021

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

February 23, 2011

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 hearing was held on February 23, 2011.

ISSUE

Did the Department of Human Services (DHS) correctly deny claimant's application for 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 applied for Direct Support Services on August 19, 2010.
- (2) Claimant's application was denied on September, 17, 2010.
- (3) On October 25, 2010, claimant requested a hearing.

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 Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

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.

Claimant's application was denied on September 17, 2010. However, as the decision to authorize DSS is solely within the discretion of DHS or MWA, the reason claimant was denied matters little. By the very nature of the program, claimant could have been denied for good reason, bad reason, or no reason at all, absent any patently illegal reason for denial—which would be beyond the jurisdiction of the undersigned regardless.

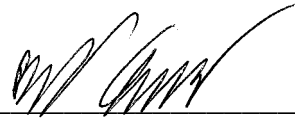
Therefore, as the Department has the discretion to make decisions regarding DSS funds, and as the Department exercised its discretion to do so, the undersigned has no choice but to decide that the Department was correct when it denied claimant DSS funds.

Finally, claimant alleged equitable arguments against the Department regarding the decision to deny DSS funding. The undersigned would acknowledge the arguments, but notes that this is not an equitable court, and thus the undersigned cannot make a ruling or holding regarding claimant's complaints; these complaints are best adjudicated in an appropriate jurisdiction.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department decision to deny claimant's DSS application was correct.

Accordingly, the Department's decision in the above stated matter is, hereby, AFFIRMED.



Robert J. Chavez
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 03/03/11

Date Mailed: 03/08/11

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.

RJC/dj

cc:

