

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

IN THE MATTER OF:

Issue

[REDACTED]

Reg. No.: 2011-21544

No.: 5034

Case No.: [REDACTED]

Hearing Date: May 18, 2011

DHS County: Oakland (03)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; M SA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on May 18, 2011. The Claimant appeared and testified.

ISSUE

Did the Department of Human Services (DHS or Department) properly deny the Claimant's Direct Support Services (DSS), application?

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 filed an application for funds for automobile repair.
2. On December 20, 2010, the Department approved the Claimant's application.
3. The Claimant paid for the repairs personally.
4. On January 26, 2010, the Claimant filed a request for a hearing.

CONCLUSIONS OF LAW

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 **include** Employment Support Services (ESS) and Family Support Services (FSS). There is no entitlement for DSS. The decision to authorize DSS is within the discretion of the DHS or the MWA. (BEM 232, p. 1)

Here, the Department argues that the authorization for vehicle repair is discretionary and therefore the Department is not obligated to provide such funds. In addition the Department states that it cannot issue DSS funds to anyone other than a vendor.

Actual Cost

For authorizations based on **actual** costs supported by an invoice, use the DHS-4663 in Bridges to direct the accounting office to issue a vendor payment. (BEM 232, p. 6)

In the instant case the Department is not able to issue a payment to the vendor that repaired the automobile because it has already been paid.

This Administrative Law Judge sympathizes with the Claimant but I find the Department was correct in its application of policy.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department's decision in the instant case.



Michael J. Bennane
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 23, 2011

Date Mailed: June 23, 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.

MJB/cl

cc:

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