

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 201124698
Issue No: 6031
Case No: [REDACTED]

Hearing Date:
May 26, 2011
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on March 17, 2011. After due notice, a telephone hearing was held on Thursday, May 26, 2011.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's State Direct Support Services (DSS) eligibility?

FINDINGS OF FACT

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

1. On February 10, 2011, the Department receive the Claimant's application for Direct Support Services (DSS) benefits requesting assistance with automobile repair.
2. The Claimant submitted one written estimate along with her application for Direct Support Services (DSS) benefits.
3. On March 10, 2011, the Department notified the Claimant that it had denied her Direct Support Services (DSS) application for failure to submit information necessary to determine her eligibility to receive benefits.
4. The Department received the Claimant's request for a hearing on March 17, 2010, protesting the denial of her Direct Support Services (DSS) application. The request was received 7 days after the Department sent its notice of case action.

CONCLUSIONS OF LAW

Direct Support Services (DSS) are goods and services provided to help families achieve self-sufficiency. Direct Support Services 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 Department.

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. BAM 105. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

In this case, the Department received the Claimant's application for Direct Support Services (DSS) benefits on February 10, 2011. The Claimant had requested assistance with her automobile repairs. Along with her application for benefits, the Claimant submitted one written estimate of the automobile repairs. The Department requires that applicants submit two written estimates along with their Direct Support Services (DSS) applications.

On March 10, 2011, the Department notified the Claimant that it had denied her Direct Support Services (DSS) application for failure to submit information necessary to determine her eligibility to receive benefits.

The Claimant testified that her automobile does not run, and that she cannot afford the cost of having her automobile towed to another repair shop to receive a second estimate of the repair costs.

Direct Support Services (DSS) are discretionary benefits issued by the Department. For automobile repair, the Department requires that Claimant's submit two written estimates along with the application for benefits. Since the Claimant failed to submit two written estimates, the Department did not have the information necessary to determine her eligibility to receive benefits. Direct Support Services (DSS) are a discretionary benefit and the Department was within its authority to deny the Claimant's application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's Direct Support Services (DSS) eligibility.

The Department's Direct Support Services (DSS) eligibility determination is AFFIRMED. It is SO ORDERED.

/S/ _____
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: May 27, 2011

Date Mailed: May 27, 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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

KS/tg

cc:

