

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

IN THE MATTER OF:

Issue

[REDACTED]

Reg. No.:

2011-27484

No.:

1014

Case No.:

[REDACTED]

Hearing Date:

June 6, 2011

DHS County:

[REDACTED]

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. [REDACTED] appeared on behalf of the Department.

ISSUE

Did the Department properly deny Claimant's application for vehicle purchase assistance through the Direct Support Services program?

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 the vehicle purchase assistance program through the Direct Support Services program on February 15, 2011 requesting \$1200.
2. The father of Claimant's children, [REDACTED], lives in Claimant's household and is in Claimant's FAP group.
3. Claimant's application was denied on March 8, 2011 because she had other resources available, because household member [REDACTED] had money in a bank account.
4. [REDACTED] deposited a tax refund of \$6954 in his bank account on February 4, 2011.

5. Claimant requested hearing on March 16, 2011 contesting the denial of vehicle purchase assistance.

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 Program Reference manual (PRM).

Department of Human Services (DHS) assists families to achieve self sufficiency.

The primary avenue to self-sufficiency 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 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.

Vehicle Purchase FIP, CDC, MA, FAP Family-- 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. 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 reasonably available (such as, considering the location and hours of the employment, child care or long commute as

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

- The client has the ability to afford any payments, insurance 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 liability and property damage (PLPD). Insurance, license plates, or drivers education classes are covered under Other ESS later in this item and do not reduce the \$2,000 lifetime limit. A vehicle inspection by a licensed mechanic is required. Vehicle purchases made by DHS are not exempt from use and sales tax collected by the Secretary of State. BEM 232

In the present case, Claimant acknowledged that [REDACTED] is in the FAP group and did not dispute that he had monies available to him at the time of application. Claimant argued that these monies were not available to her. This Administrative Law Judge finds that the Department did not abuse its discretion in denying Claimant's request for vehicle purchase assistance through the direct supportive services program. The Department presented several legitimate non-discriminatory reasons for denying Claimant's request, namely that a household member had resources available to him. Accordingly, the Department's denial of vehicle purchase assistance is proper and correct.

DECISION AND ORDER

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

Aaron



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 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.

AM/cl

cc:

