

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

IN THE MATTER OF:

[REDACTED]

[REDACTED]

[REDACTED]
Wayne-17

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on October 4, 2011, from Lansing, Michigan. Claimant personally participated in the hearing and provided testimony. Participants on behalf of Department of Human Services (Department) included [REDACTED] Independence Manager (F.I.M.) and [REDACTED], Eligibility Specialist (E.S.).

ISSUE

Did the Department properly process Claimant's request for automobile repair assistance under the Direct Support Services Program (DSS)?

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 28, 2011, Claimant applied for DSS assistance with automobile repair service. (Department Exhibits 2-8).
2. On May 24, 2011, the Department sent a Notice of Case Action (DHS-1605) approving Claimant's application for DSS vehicle repair in the amount of [REDACTED] (Department Exhibits 9-13).
3. Claimant had her vehicle repair services performed by A-1 Transmission & Auto Repair, but the Department failed to forward payment.
4. On August 18, 2011, the Department received Claimant's hearing request, protesting the failure to pay the vehicle repair. (Hearing Request).

CONCLUSIONS OF LAW

Direct Support Services (DSS) are goods and services provided to help families achieve self-sufficiency. BEM 232. There is no entitlement for DSS. BEM 232. That decision to authorize DSS is within the discretion of the DHS or the work participation program. BEM 232.

DSS includes Employment Support Services (ESS) and Family Support Services (FSS) that directly correlates to removing an employment-related barrier. BEM 232. Employment Support Services (ESS) include, but are not limited to, transportation, special clothing, tools, physical exams, vehicle purchases and vehicle repair. BEM 232. ESS may be authorized by DHS or the work participation program. BEM 232.

Here, the Department approved Claimant's request for DSS vehicle repair in the amount of [REDACTED]. However, the Department failed to pay for the repairs. According to the Department employees who testified during the hearing, the Department did not have the proper paperwork from ([REDACTED]) the vehicle servicer who performed the repairs. The Claimant, however, testified that [REDACTED] had not received any documentation from the Department. Following the hearing, the Department indicated that they contacted [REDACTED] and obtained the proper documentation; including the State Provider Identification Number. The Department has also indicated that once the Department has verified [REDACTED] State Identification Number, the Department shall complete the application process and issue payment to A-1.

Based on the above Findings of Fact and Conclusions of Law, and for reasons stated on the record, the Administrative Law Judge concludes that the Department shall forward payment to A-1 Transmission and Auto Repair on behalf of Claimant provided that A-1 is properly authorized to receive payment.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for reasons stated on the record, finds that the Department did not act properly by failing to pay for Claimant's DSS request for vehicle repair services.

Accordingly, the Department's decision is REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

- Promptly verify Claimant's vehicle servicer A-1 Transmission & Auto Repair, and
- Provide payment to A-1 on behalf of Claimant for the approved [REDACTED] DSS vehicle repair as set forth in the DHS-1605 dated May 24, 2011.

IT IS SO ORDERED.



C. Adam Purnell
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 10/11/11

Date Mailed: 10/11/11

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error , or other obvious errors in the hearing decision that effect the substantial rights of the claimant;
 - the failure of the ALJ to address other relevant issues in the hearing decision

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

CAP/ds

