

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-52163
Issue No.: 1014
Case No.: [REDACTED]
Hearing Date: October 10, 2011
County: Oakland County DHS (02)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION DIRECT SUPPORT SERVICES

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 10, 2011, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED], JET Case Manager.

ISSUE

Did the Department properly deny Claimant's application close Claimant's case for Direct Support Services:

FINDINGS OF FACT

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

1. Claimant applied for benefits received benefits for:

Employment Support Services (ESS) . Family Support Services (FSS)

2. On August 17, 2011, the Department
 denied Claimant's application closed Claimant's case
due to Claimant purchasing a car without prior Department approval of the application..
3. On August 17, 2011, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure.
4. On August 26, 2011, Claimant filed a hearing request, protesting the
 denial of the application. closure of the case.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

Direct Support Services (DSS) are part of the Family Independence Program (FIP), and administered pursuant to the MCL 400.57a, *et seq.*, and Mich Admin Code, R 400.3603; 42 USC 604(a); P. A. 280 of 1939, Social Welfare Act. As part the Food Assistance Program (FAP) DSS is administered pursuant to Mich Admin Code, R 400.3603; 7CFR 273.7 and as part of the Refugee Assistance Program (RAP), 45 CFR 400.154 - 155.

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 and employment-related barrier. Family Support Services include, but are not limited to, transportation, special clothing, tools physical exams, vehicle purchases and vehicle repair. Family support Services , include, but are not limited to, classes and seminars, counseling services and commodities and may only be authorized by the Family Independence Specialist. The relevant policy is found in BEM 232.

There is no entitlement for DSS (Direct Support Services). The decision to authorize DSS is within the discretion of the DHS or the MWA.

Additionally, at the hearing, the documents submitted by the Claimant and the car dealer she purchased the car from clearly indicated that the title to the car the Claimant sought assistance to purchase had already been transferred to her name, and thus she clearly already owned the car. Exhibits 1 and 2. Additionally, the car dealer had not been paid for the car at the time the title was transferred, or at the time of the hearing. Exhibit 3.

Under these facts the Department correctly denied the application because it had two documents provided to it that said the title to the vehicle was in the Claimant's name and the car dealer represented the car was sold to the Claimant as of July 29, 2011. Exhibits 1 and 2. Department policy clearly requires that prior approval is required for

vehicle purchase services. The Department did not approve the purchase prior to the Claimant receiving the title to the car, and thus correctly denied the Claimant's application for DSS for vehicle purchase as based upon information provided to the Department that the purchase had already been completed. Thus the Department correctly concluded that no further assistance was needed and that the purchase had been completed without prior approval. BEM 232, page 12.

Food Assistance

At the hearing the Claimant agreed that no hearing for food assistance was required and that her food assistance benefits are active, and thus the Claimant's request for a hearing regarding food assistance is dismissed as no issue remains to be decided.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department

- properly denied Claimant's application improperly denied Claimant's application
 properly closed Claimant's case improperly closed Claimant's case

- for: Employment Related Services
 Family Support Services


DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department
 did act properly. did not act properly.

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

The Claimant's hearing request regarding Food Assistance is DISMISSED.

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


Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: October 17, 2011

Date Mailed: October 17, 2011

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. (60 days for FAP cases)

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.

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

LMF/hw

cc:

