

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No: 20118925

Issue No: 6043

Case No: ██████████

Hearing Date:

February 24, 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 November 10, 2010. After due notice, a telephone hearing was held on Thursday, February 24, 2011.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's 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. The Claimant requested Direct Support Services (DSS) benefits on July 14, 2010, to purchase a car.
2. On November 1, 2010, the Department denied the Claimants DSS application because she was not employed when she submitted her request.
3. On November 3, 2010, the Claimant re-applied for DSS benefits to purchase a car, because the previous car was no longer available.
4. The Department denied the Claimant's application because there was no longer a need for benefits.

CONCLUSIONS OF LAW

The Department of Human Services (Department) assists families to achieve self-sufficiency. The primary avenue to self-sufficiency is employment. DHS and the Michigan Works! Agencies (MWA's) provide Direct Support Services (DSS) to help families become self-sufficient. BEM 232.

The Department 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. BEM 232. 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. BEM 232.

There is no entitlement for DSS and the decision to authorize DSS is within the discretion of the Department. BEM 232. The Department's decision whether to grant DSS benefits is based on the requirements of the DSS program and the availability of funding for the DSS program.

The Department will ensure 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. BEM 232.

In this case, the Claimant requested Direct Support Services (DSS) benefits on July 14, 2010. The Claimant requested assistance with the purchase of a vehicle. On November 1, 2010, the Department denied the Claimant's DSS application because she was not employed when she submitted her request.

The vehicle the Claimant had attempted to purchase was no longer available. The Claimant re-applied for DSS benefits for a different vehicle on November 3, 2010, and had started new employment. The Department contacted the dealership where the Claimant wanted to purchase a vehicle. The Department learned from the dealership that the vehicle the Claimant was attempting to purchase had been purchased for her by the Claimant's grandfather. The Department denied the Claimant's DSS application because there was no longer need for DSS benefits.

There is no entitlement for DSS and the decision to authorize DSS is within the discretion of the Department. BEM 232. The Department's decision whether to grant DSS benefits is based on the requirements of the DSS program and the availability of funding for the DSS program.

Since participation in the DSS program is not an entitlement, the Department has established that it properly denied the Claimant's application for DSS benefits.

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: March 9, 2011

Date Mailed: March 9, 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

2011-8295/KS

cc:

