

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-13767
Issue No.: 5034
Case No.: [REDACTED]
Hearing Date: May 17, 2012
County: Wayne (18)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 May 17, 2012, from Detroit, Michigan. Participants on behalf of Claimant included claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly deny Claimant's application close Claimant's case for Direct Support Services (DSS)?

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 October 17, 2011, the Department denied Claimant's application closed Claimant's case due to lack of employment or offer of employment.

3. On October 17, 2011, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure.
4. On October 24, 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, and administered pursuant to the MCL 400.57a, *et seq.*, and Rule 400.3603, MAC; 42 USC 604(a); P. A. 280 of 1939, Social Welfare Act. As part of the FAP Only program, DSS is administered pursuant to R400.3603, MAC; 7C FR 273.7 and as part of RA P, 45 CFR 400.154 - 155.

DSS are goods and services provided to help families achieve self-sufficiency. DSS include ESS and FSS that directly correlate to removing any employment-related barrier. ESS include, but are not limited to, transportation, special clothing, tools physical exams, vehicle purchases and vehicle repair. FSS include, but are not limited to, classes and seminars, counseling services and commodities and may only be authorized by the Family Independence Specialist. Relevant policy is found in BEM 232.

There is no entitlement for DSS. The decision to authorize DSS is within the discretion of the Department or the Michigan Works Agency. BEM 232, page 1.

Additionally, the Department denied the Claimant's application for automobile repairs because the Claimant lacked "employment or an offer of employment." However BEM 232, cited by the Department, states: "A vehicle may be repaired for a client who is not currently employed if the client needs a vehicle to accept a verified job offer; or needs a vehicle to participate in family self-sufficiency activities that will prepare the client for employment..." BEM 232, pp. 12-13.

In the instant case, the claimant is attending the University of Michigan in the field of criminal justice; such attendance would aid in preparing the Claimant for employment.

The Department also argues that the cost of repair is greater than the value of the automobile to be repaired. This Administrative Law Judge is unable to find policy that would preclude a repair for this reason.

In any event, Direct Support Services (DSS) are available at the discretion of the individual departmental offices. BEM 232.

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: ESS FSS

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 decision is AFFIRMED REVERSED for the reasons stated on the record.



Michael J. Bennane
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 29, 2012

Date Mailed: May 29, 2012

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.

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

MJB/cl

cc:

