

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

IN THE MATTER OF:



Reg. No.: 2012 32263
Issue No.: 1014
Case No.: [REDACTED]
Hearing Date: June 7, 2012
County: Wayne County DHS (76)

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 June 7, 2012, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of Department of Human Services (Department) included April Williams, Assistance Payments Supervisor.

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 November 18, 2011, the Department
 denied Claimant's request for Direct Support Services. closed Claimant's case
due to Claimant having title to a motor vehicle at the time of her application..
3. On November 18, 2011 , the Department advised the Claimant of the
 Claimant's Claimant's Authorized Representative (AR)
notice of the denial. closure.
4. On November 22, 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 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 the FAP Only, Direct Support Services is administered pursuant to R400.3603, MAC; 7CFR 273.7 and as part of 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 evidence disclosed that at the time of the application, the Claimant had a car titled in her name. Claimant confirmed this fact through her sworn testimony. BEM 232, page 14.

Under these facts, the Department denied the application because the Department correctly determined that the Claimant already had a car. Since the hearing the Claimant has junked the car and signed the title over. However, at the time of the application, the Department correctly determined that the Claimant was ineligible for the reasons stated above.

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

1.



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

Date Signed: June 14, 2012

Date Mailed: June 14, 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.

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:

