

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201278666
Issue No: 5034
Case No: [REDACTED]
Hearing Date: February 14, 2013
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing received on September 17, 2012. After due notice, a telephone hearing was held on February 14, 2013. Claimant personally appeared and provided testimony. The department witness was Marci Thompson.

ISSUE

Whether the department properly denied claimant's Direct Support Services (DSS) request for assistance with car repairs?

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 applied for Direct Support Services (DSS) assistance with automobile repairs on September 4, 2012.
2. On September 6, 2012, the claimant was mailed a Notice of Case Action (DHS-1605) that informed her the DSS request was denied.
3. The claimant submitted a request for hearing on September 17, 2012.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1)

Clients have the right to contest a department decision affective eligibility for benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

Department of Human Services (DHS) assists families to achieve self-sufficiency. The primary avenue to self-sufficiency is employment. DHS and the work participation program provide Direct Support Services (DSS) to help families become self-sufficient. 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 an employment-related barrier.

There is no entitlement for DSS. The decision to authorize DSS is within the discretion of the DHS or the work participation program. BEM 232.

In this case, the claimant is disputing the department's denial of her request for DSS assistance with car repairs. However, there is no entitlement to any DSS assistance. The funds are all discretionary and are allocated annually. Expenditures cannot exceed a local office's allocation.

The department also noted that the claimant is not a FAP family group (i.e. does not have a child under age 18 in the program group) and therefore, will not qualify for some of the DSS funding.

Due to the discretionary nature of the DSS program, this Administrative Law Judge is unable to find that the department failed to comply with department policy in making their determination.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied claimant's Direct Support Services (DSS) request for assistance with car repairs. The department's determination is **UPHELD**.

It is SO ORDERED.

/s/

Suzanne Morris
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: February 19, 2013

Date Mailed: February 20, 2013

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.

NOTICE: 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

SLM/cr

cc:

[REDACTED]
Kalamazoo County DHS
[REDACTED]
S. L. Morris
MAHS