

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-27743  
Issue No.: 6046  
Case No.: [REDACTED]  
Hearing Date: May 22, 2013  
County: Wayne (82-19)

**ADMINISTRATIVE LAW JUDGE:** Eric Feldman

**HEARING DECISION**

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 22, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED]  
[REDACTED]

**ISSUE**

Did the Department properly deny Claimant's Direct Support Services (DSS) request for vehicle repair services?

**FINDINGS OF FACT**

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:

1. Claimant was an ongoing FAP Family recipient.
2. On September 14, 2012, Claimant submitted a DSS request for vehicle repair services. Exhibit 1.
3. On September 24, 2012, the Department completed the Employment and Training Expenditures Authorization form (DHS-4663), which is an authorization for DSS services based on the vehicle's repairs estimated cost. Exhibit 1.

4. On October 5, 2012, the Department sent the DHS-4663 form to the Department accounting office and was received by the Department accounting office on October 10, 2012, for review. Exhibit 1.
5. On October 26, 2012, the Department accounting office completed the Purchase Order/Invoice form (DHS-2083) which authorizes the vendor to provide the vehicle repair service and to bill the local Department office. Exhibit 1.
6. On November 10, 2012, Claimant paid in full the balance for her vehicle repair. See Exhibit A.
7. On November 13, 2012, the Department accounting office sent the local Department office a Program Payments Error List document requesting the original final bill with signatures in order to release payment to the vendor. Exhibit 1.
8. On November 20, 2012, the Department contacted Claimant and the licensed mechanic requesting the original final bill in order for the payment to be released. Exhibit 1.
9. On November 27, 2012, the licensed mechanic told the Department that Claimant had paid the vehicle repair in full. Exhibit 1.
10. On November 28, 2012, the Department sent a letter to the Department accounting office to void the purchase order due to Claimant paying the vehicle repair in full. Exhibit 1.
11. On January 24, 2013, Claimant filed a hearing request seeking reimbursement for the vehicle repair. Exhibit 1.

### **CONCLUSIONS OF LAW**

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

As a preliminary matter, Claimant's January 24, 2013, Request for Hearing was based on a Notice of Case Action regarding her FAP benefits. However, Claimant testified that she is only protesting her DSS vehicle service request. Thus, this decision will only address Claimant's DSS vehicle service request.

The Department assists families to achieve self-sufficiency. BEM 232 (May 2012), p. 1. The primary avenue to self-sufficiency is employment. BEM 232, p. 1. The Department and the work participation program provide DSS to help families become self-sufficient. BEM 232, p. 1. There is no entitlement for DSS. BEM 232, p. 1. The decision to authorize DSS is within the discretion of the Department or the work participation program. BEM 232, p. 1. DSS supports FIP, CDC, MA and FAP Families programs.

BEM 232, pp. 1-2. A FAP Family is an eligible group that includes a pregnant person, a child under age 18, or a child age 18 who is in high school full time. BEM 232, p. 1.

The Department authorizes vehicle repairs for each participant for a vehicle that is the primary means of transportation for employment-related activities, even if public transit is available. BEM 232, p. 12. The total Department/work participation program cost of repairs may not exceed \$900 including any repairs done in the previous 12 months. BEM 232, p. 12. Prior approval is required for this service except for emergency repairs that occurred outside of Department office hours. BEM 232, p. 12. Before the Department authorizes a major repair, it ensures that all of the following conditions are met: (i) an eligible group member owns the vehicle; (ii) the client requesting the service has a valid drivers license; and (iii) the repair is expected to make the vehicle safe and roadworthy including new tires, headlamps, batteries, etc. An estimate of the vehicle repair is required and should be placed in the case file. BEM 232, p. 13.

Regarding payment authorizations for vehicle services, if the authorization is based on an estimated cost, the Department uses the Employment and Training Expenditures Authorization (DHS-4663) form. BEM 232, p. 6. The DHS-4663 form directs the accounting office to issue a DHS-2083, Purchase Order Invoice. BEM 232, p. 6. The DHS-2083 authorizes the vendor to provide the service (for example, vehicle repair) and bill the local office. BEM 232, p. 6. The accounting office will inform the specialist when the final bill or purchase order is received, if the amount is different. BEM 232, pp. 6-7. The specialist then re-processes the payment amount in the system. BEM 232, p. 7.

In this case, it was not disputed that Claimant was an ongoing FAP Family recipient. On September 14, 2012, Claimant submitted a DSS request for vehicle repair services. Exhibit 1. Claimant submitted the vehicle's estimated repair cost in the amount of \$773.53. Exhibit 1. On September 24, 2012, the Department completed the Employment and Training Expenditures Authorization form (DHS-4663), which is an authorization for DSS services based on the vehicle's estimated repair cost. Exhibit 1. However, the Department discovered that it needed additional documents from Claimant to submit a completed DHS-4663 form. Claimant submitted the additional documents and then on October 5, 2012, the Department sent the DHS-4663 form to the Department accounting office. Exhibit 1. The DHS-4663 form was received by the Department accounting office on October 10, 2012, for review. Exhibit 1. On October 26, 2012, the Department accounting office completed the Purchase Order/Invoice form (DHS-2083) which authorizes the vendor to provide the vehicle repair service and to bill the local Department office. Exhibit 1.

Additionally, on November 13, 2012, the Department accounting office sent the Department a Program Payments Error List document requesting the original final bill with signatures in order to release the payment to the vendor. Exhibit 1. On November 20, 2012, the Department contacted Claimant and the licensed mechanic requesting the original final bill in order for the payment to be released. Exhibit 1. On November 27, 2012, the licensed mechanic told the Department that Claimant had paid the vehicle repair in full. Exhibit 1. Thus, on November 28, 2012, the Department sent a letter to the Department accounting office to void the purchase order due to Claimant paying the

vehicle repair in full. Exhibit 1. On January 24, 2013, Claimant filed a hearing request seeking reimbursement for the vehicle repair. Exhibit 1.


At the hearing, Claimant testified that her vehicle broke down in early September 2012. On November 10, 2012, Claimant testified she contacted the Department to request a status on the DSS request. Claimant testified that the Department told her it needed 30-60 days to process the request. Thus, Claimant testified that she needed her vehicle for her employment transportation and paid the \$773.53 bill in full. See Exhibit A. Claimant testified that she paid her vehicle repair bill from her paychecks and by foregoing other bills she owed. Claimant testified that she had to seek other means of transportation for the month of October 2012 to go to work. Claimant testified that she never received any document from the Department regarding the denial of her DSS service request.

Based on the foregoing information and evidence, the Department properly denied Claimant's DSS request for a vehicle repair in accordance with Department policy. The Department accounting office completed and authorized the vendor to do the vehicle repair service on October 26, 2012. See Exhibit 1. The local Department office indicated that the Department accounting office requested an original final bill with signatures before issuing a payment to the vendor. This is the appropriate procedures for the Department accounting office to do before issuing such a payment. BEM 232 states that the accounting office will receive a final bill or purchase order. BEM 232, pp. 6-7. The Department requested the original bill from the Claimant on November 20, 2012; however, it was discovered that Claimant had already paid her bill in full on November 10, 2012. There is no entitlement for DSS. BEM 232, p. 1. Claimant took action and resolved her issue by paying her vehicle bill in full. Thus, the Department properly denied Claimant's DSS request for vehicle repair services in accordance with Department policy because Claimant resolved her issue by paying her vehicle bill in full. BEM 232, pp. 1-31.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated above and 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.

  
**Eric Feldman**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: May 30, 2013

Date Mailed: June 3, 2013

**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 affect the substantial rights of the claimant:
  - 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

EJF/pf

cc:

