

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

IN THE MATTER OF:

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Reg. No.: 2013-26831
Issue No.: 6031
Case No.: ██████████
Hearing Date: July 8, 2013
County: Macomb (20)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 July 8, 2013, from Detroit, Michigan. Claimant appeared and testified. Participating on behalf of the Department of Human Services (Department) was ██████████, Assistance Payment Worker.

ISSUE

Did the Department properly process Claimant's request for Direct Support Services (DSS) assistance with vehicle purchase?

FINDINGS OF FACT

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

1. On an unverified date, Claimant requested DSS assistance with the purchase of a vehicle.
2. On January 22, 2013, the Department sent Claimant a Notice of Case Action informing her that her application had been denied. (Exhibit 2).
3. On January 28, 2013, Claimant submitted a hearing request disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), Reference Tables Manual (RFT), and State Emergency Relief Manual (ERM).

Direct Support Services (DSS) is administered by the Department pursuant to MCL 400.57a, *et seq.*, and Mich Admin Code R 400.3603.

DSS are goods and services provided to help families achieve self-sufficiency and include Employment Support Service (ESS) which allows for vehicle purchase. BEM 232 (January 2013), 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. 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. Vehicle purchase is limited to once in a client's lifetime. BEM 232, p.13. The Department is to send a DHS-1605, Client Notice, informing the client of the outcome of the DSS request. BEM 232, p.6.

In this case, Claimant testified that she submitted a request for DSS assistance with vehicle purchase which was denied. Claimant was notified of the denial through a Notice of Case Action sent to her by the Department on January 22, 2013. BEM 232, p.6;(Exhibit 1). The Notice of Case Action states that Claimant's application was denied because there are other resources available to Claimant for this service. (Exhibit 2).

The Department testified that it denied Claimant's request for DSS assistance with vehicle purchase because a Secretary of State (SOS) search revealed that Claimant owned a [REDACTED] that is registered to her name. The Department presented documentation from SOS in support of its testimony. (Exhibit 1). Claimant confirmed that at the time of her application, she did have a vehicle registered to her name but that she is no longer the owner of the vehicle.

Because approval of vehicle purchase through DSS is within the discretion of the Department, and the Department presented documentation establishing that Claimant owned a vehicle at the time she applied which could be used as another resource, the Department did not abuse its discretion when it denied Claimant's DSS application for assistance with vehicle purchase. BEM 232, p.13.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for reasons stated on the record, finds that the Department acted in

accordance with Department policy when it denied Claimant's DSS application for vehicle purchase assistance. Accordingly, the Department's decision is AFFIRMED.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 30, 2013

Date Mailed: July 30, 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.

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

ZB/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]