


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


IN THE MATTER OF:



Reg. No.: 2013-47139
Issue No.: 6031
Case No.: 
Hearing Date: July 25, 2013
County: Wayne (82-76)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 25, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included .

ISSUE

Did the Department properly deny Claimant's request for Direct Support Services (DSS) benefits to purchase an automobile?

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 is a recipient of Food Assistance Program (FAP) and Medical Assistance (MA) benefits.
2. In October 2012, Claimant requested DSS assistance to purchase a vehicle.
3. The Department issued a voucher for the purchase of a vehicle, but the voucher was revoked when the vehicle was found "un-roadworthy."
4. In May 2013, Claimant found a new vehicle and requested DSS assistance to purchase that vehicle.

5. The Department was unable to approve Claimant's request because its system indicated that a voucher for the purchase of a vehicle had already been issued to Claimant.
6. On May 8, 2013, Claimant requested a hearing concerning her request for a car voucher under the DSS program.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), the Department of Human Services Bridges Eligibility Manual (BEM), and the Department of Human Services Reference Tables Manual (RFT).

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 Services (ESS) which allows for vehicle purchase. BEM 232 (January 2013), 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. BEM 232, p. 13. Vehicle purchase is limited to once in a client's lifetime. BEM 232, p. 13. There is no entitlement to DSS assistance, and the decision to authorize DSS is within the discretion of the Department. BEM 232, p. 1.

In this case, Claimant explained that she had identified a vehicle for purchase in late 2012. Although the Department had issued a voucher to her for the purchase of the vehicle, the voucher was revoked before she used it because the car was not deemed road-worthy. Claimant filed a new request for DSS assistance in May 2012 for a different vehicle. The Department testified that it was prepared to process Claimant's May 2013 request for DSS assistance to purchase the vehicle, but it was unable to do so because its system indicated that Claimant had been previously issued a voucher for the purchase of a car. The Department acknowledged at the hearing that the voucher that had been previously issued to Claimant had been revoked before Claimant could use it and that Claimant had *not* exceeded her lifetime limit of one vehicle purchase. However, because its system showed that a voucher had been issued, the Department was unable to process Claimant's DSS request for assistance. Under these facts, the Department was unable to act in accordance with Department policy in processing Claimant's DSS request.


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 was unable to act in accordance with Department policy in processing Claimant's DSS request for assistance with purchasing a vehicle.

Accordingly, the Department's decision is REVERSED.

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

1. Remove any entries from Claimant's DSS record on the Department's system showing that a voucher for vehicle purchase had been issued to Claimant or that Claimant has met her lifetime limit for DSS assistance for vehicle purchase;
2. Begin processing any new request by Claimant for DSS assistance to purchase a vehicle in accordance with Department policy; and
3. Notify Claimant in writing of its decision.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 29, 2013

Date Mailed: July 30, 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,
 - 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

2013-47139/ACE

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

ACE/pf

cc:

