

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201339051
Issue No.: 6027
Case No.: [REDACTED]
Hearing Date: [REDACTED]
County DHS: Macomb (12)

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 [REDACTED] from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly processed the Claimant's application for Direct Support Services?

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 submitted an application for Direct Support Services seeking assistance with vehicle repairs.
2. The Department received the Claimant's request for a hearing on [REDACTED], protesting the Department's failure to process her application for Direct Support Services.

CONCLUSIONS OF LAW

Clients have the right to contest a department decision affecting eligibility or 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.

The State Office of Administrative Hearings and Rules (“SOAHR”) may grant a hearing for any of the following:

- Denial of an application and/or supplemental payments
- Reduction in the amount of program benefits or service
- Suspension or termination of program benefits or service
- Restrictions under which benefits or services are provided
- Delay of any action beyond the standard of promptness
- For FAP only, the current level of benefits or denial of expedited service. Department of Human Services Bridges Assistance Manual (BAM) 600.

Direct Support Services (DSS) are goods and services provided to help families achieve self-sufficiency. Direct Support Services include Employment Support Services (ESS) and Family Support Services (FSS). There is no entitlement for DSS. The decision to authorize DSS is within the discretion of the Department.

In this case, the Claimant submitted an application for Direct Support Services seeking assistance with vehicle repairs. The Department’s representative acknowledged that an application for Direct Support Services was received.

The Department’s representative testified that the Claimant’s application lacked information necessary to approve benefits.

This Administrative Law Judge finds that the Department failed to establish that the Claimant was sent notice indicating whether her application for Direct Support Services was approved or denied. Therefore, the Department has failed to establish that it properly processed the Claimant’s application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department failed to establish that it properly processed the Claimant’s application for Direct Support Services.

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

1. Initiate a determination of the Claimant's eligibility for Direct Support Services based on the Claimant's application for Direct Support Services.
2. Send the Claimant a Verification Checklist (DHS-3503) instructing the Claimant to provide the Department with information not already contained in her application that is necessary to determine her eligibility to receive Direct Support Services.
3. Provide the Claimant with a Notice of Case Action (DHS-1605) describing the Department's revised eligibility determination.
4. Issue the Claimant any retroactive benefits that the Claimant may be eligible to receive, if any.

/s/

Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 05/09/2013

Date Mailed: 05/09/2013

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,

2013-39051/KS

- 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

KS/kl

cc:

