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

IN THE MATTER OF:

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<tr><td></td><td>Reg. No.:</td><td>14-012232</td></tr>
<tr><td></td><td>Issue No.:</td><td>7001</td></tr>
<tr><td></td><td>Case No.:</td><td>█████████</td></tr>
<tr><td></td><td>Hearing Date:</td><td>October 30, 2014</td></tr>
<tr><td></td><td>County:</td><td>Wayne (35)</td></tr>
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ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, an in-person hearing was held on October 30, 2014, from Redford, Michigan. Participants included the above-named Claimant. Participants on behalf of the Department of Human Services (DHS) included █████████, Hearings Facilitator, and █████████ Hearings Facilitator.

ISSUE

The issue is whether DHS properly processed Claimant's request for Employment Support Services (ESS).

FINDINGS OF FACT

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

1. On an unspecified date, Claimant submitted documentation requesting assistance for payment of auto insurance premiums.

2. On an unspecified date, DHS verbally advised Claimant that her request for premium payment would not be approved.

3. DHS failed to send Claimant a written notice concerning the approval/denial of insurance premium payment.

4. On █████████ Claimant requested a hearing to dispute the failure by DHS to pay her auto insurance premiums.

CONCLUSIONS OF LAW

Direct Support Services (DSS) is established by the Social Welfare Act, MCL 400.1-.119b. The program is administered by the Department pursuant to MCL 400.10 and 400.57a and Mich Admin Code R 400.3603. Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM) and Department of Human Services Bridges Eligibility Manual (BEM) and Department of Human Services Reference Tables Manual (RFT).

DHS assists families to achieve self-sufficiency. BEM 232 (10/2013), p. 1. The primary avenue to self-sufficiency is employment. DHS and Partnership. Accountability. Training. Hope. (PATH) provides Direct Support Services (DSS) to help families become self-sufficient. *Id.* DSS includes Employment Support Services (ESS) and Family Support Services (FSS) that directly correlates to removing an employment-related barrier. *Id.*

Claimant requested a hearing to dispute a denial of assistance with payment of auto insurance premium payments. During the hearing, DHS presented testimony that DHS does not cover insurance premium payments.

ESS include, but are not limited to, transportation, special clothing, tools, physical exams, vehicle purchases, vehicle insurance and vehicle repair. *Id.* ESS may be authorized by DHS or PATH program. *Id.*

Based on the above policy, DHS clearly allows the possibility of payment of auto insurance premiums. DHS failed to present any other basis for not paying Claimant's ESS request.

In an attempt to discover the basis for denial of auto insurance premium payment, during the hearing, each side was asked for the written notice of denial. Claimant testified that she did not recall receiving one; she submitted her hearing request in response to a verbal statement of denial. DHS also could not furnish proof that Claimant was sent a written notice of denial.

Bridges (the DHS database) sends a DHS-1605, Client Notice, informing the client of the outcome of his/her DSS request. *Id.*, p. 7. This policy confirms that DHS must provide a written notice of denial, not a verbal denial.

It cannot be found with certainty that Claimant is entitled to receive ESS. It can be found with certainty that DHS failed to prove that proper written notice was given for Claimant's ESS request.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly failed to process Claimant's request for ESS. It is ordered that DHS perform the following actions:
  (1) process Claimant's ESS request for auto insurance premium payments; and
  (2) provide Claimant with proper written notice of her ESS request.

The actions taken by DHS are **REVERSED**.

_____
Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **11/6/2014**

Date Mailed: **11/6/2014**

CG / hw

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The party requesting a rehearing or reconsideration must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

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

cc: