

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-019207
Issue No.: 7001
Case No.: [REDACTED]
Hearing Date: February 25, 2015
County: Washtenaw

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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, a telephone hearing was held on Wednesday, February 25, 2015, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Family Independence Manager and [REDACTED], Eligibility Services.

ISSUE

Did the Department properly deny Claimant's application Direct Support Services (DSS)?

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 applied for DSS benefits on December 5, 2014. Department Exhibit 7-12.
2. On December 19, 2014, the Department denied Claimant's application due to non-eligibility for DSS because she was not FIP eligible or part of a non-FAP eligible family case. Department Exhibit 13-18.
3. On December 19, 2014, the Department sent Claimant/Claimant's Authorized Representative (AR) its decision.
4. On December 17, 2014, Claimant/Claimant's Authorized Hearing Representative (AHR) filed a hearing request, protesting the Department's actions.

CONCLUSIONS OF LAW

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

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.

Additionally, the Claimant applied for assistance with buying a car through DSS on December 5, 2014. Department Exhibit 7-12. On December 19, 2014, the Department denied Claimant's application due to non-eligibility for DSS because she was not FIP eligible or part of a non-FAP eligible family case. Department Exhibit 13-18.

According to BEM 232, **DIRECT SUPPORT SERVICES** BPB 2014-019 10-1-2014

DEPARTMENT PHILOSOPHY

Department of Human Services (DHS) assists families to achieve self-sufficiency. 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.

DEPARTMENT POLICY

FIP, CDC, MA, FAP Family, FAP Non-Family

Definitions

Direct Support Services (DSS) are goods and services provided to help families achieve self-sufficiency. DSS **includes** Employment Support Services (ESS) and Family Support Services (FSS) that directly correlates to removing an employment-related barrier.

There is no entitlement for DSS. The decision to authorize DSS is within the discretion of the DHS or PATH program.

Employment Support Services (ESS) include, but are not limited to, transportation, special clothing, tools, physical exams, vehicle purchases, vehicle insurance and vehicle repair. ESS may be authorized by DHS or PATH program; see Availability and Clients Served by DHS or Clients Served by PATH in this item.

Family Support Services (FSS) include, but are not limited to, classes and seminars, counseling services and commodities. FSS may only be authorized by the family independence specialist. FSS services are provided to clients when the primary reason for providing a service is to remove an employment-related barrier preventing the client from participating in activities leading to self-sufficiency. Clients experiencing barriers directly tied to other services such as children's services or housing must be charged or funded by those funding sources.

FAP Family and FAP Non-Family: For purposes of this item, a distinction is made between FAP-Family and FAP-Non-Family.

- FAP Non-Family is an eligible group that does not include a child under age 18 or a pregnant person.
- 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.

Ineligible Grantees: An ineligible grantee in a FIP family may be eligible for DSS if the ineligible grantee receives CDC, MA and/or FAP and otherwise meets DSS eligibility requirements.

Overview

Funds for direct support services for FIP, CDC, MA, and FAP Families, are allocated to local offices annually. Local offices must prioritize the services provided to assure expenditures do not exceed their allocation. This allocation is published each year for DHS staff.

Local offices requesting additional DSS funding during the year may request this funding through Field Operations Administration by emailing [REDACTED] at [REDACTED] and include the DSS policy mailbox, Policy- [REDACTED] allocation balances may be viewed in Bridges under **data collection, miscellaneous, DSS allocation.**

FAP employment and training reimbursements to FAP applicants and recipients and FSS provided under the statewide counseling contract are not included in the direct support services allocation since services are funded by another source. Payments issued for these reasons do not reduce the local office DSS allocation.

Any adult group member who has been found guilty of an Intentional Program Violation (IPV) for any program in the last five years is not eligible for DSS assistance. If a participant who is serving an IPV needs DSS funding for either transportation or child care assistance to attend orientation at PATH, a policy exception is required. Email the [REDACTED] with a detailed explanation of the exception request.

This Administrative Law Judge finds the Claimant was not an active FIP beneficiary. In addition, the Claimant was not active FAP recipient. In order to be eligible, you have to have an eligible FIP or FAP case. As a result, the Claimant is not eligible for DSS benefits.

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied the Claimant's application for DSS benefits.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

Carmen G. Fahie

Carmen G. Fahie
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **3/31/2015**

Date Mailed: **3/31/2015**

CGF/las

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 48909-8139

cc:

