

**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.: 2014-34980
Issue No(s): 7001
Case No.: ██████████
Hearing Date: June 5, 2014
County: Oakland (02)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 June 5, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ Eligibility Specialist; and ██████████ Assistant Payment Supervisor.

ISSUE

Did the Department properly deny Claimant's Direct Support Services (DSS) application for a vehicle purchase on April 10, 2014?

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 an ongoing recipient of FAP benefits and her group size is one.
2. On April 7, 2014, Claimant applied for DSS assistance for a vehicle purchase request.
3. On April 10, 2014, the Department sent Claimant a Notice of Case Action notifying her that her DSS request for vehicle purchase was denied effective April 7, 2014 because Claimant does not meet program requirements for the service request. See Exhibit 1, pp. 2-3.

4. On April 16, 2014, Claimant filed a hearing request, protesting the DSS denial. See Exhibit 1, pp. 4-9.

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), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

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.

In this case, Claimant is an ongoing recipient of FAP benefits and her group size is one. On April 7, 2014, Claimant applied for DSS assistance for a vehicle purchase request. On April 10, 2014, the Department sent Claimant a Notice of Case Action notifying her that her DSS request for vehicle purchase was denied effective April 7, 2014 because she does not meet program requirements for the service request. See Exhibit 1, pp. 2-3. Specifically, the Notice of Case Action stated her application was denied due to the client not meeting the “family” criteria (BEM 232). See Exhibit 1, p. 2.

DHS assists families to achieve self-sufficiency. BEM 232 (October 2013), p. 1. The primary avenue to self-sufficiency is employment. BEM 232, p. 1. DHS and Partnership. Accountability. Training. Hope. (PATH) provides Direct Support Services (DSS) to help families become self-sufficient. BEM 232, p. 1.

There is no entitlement for DSS. BEM 232, p. 1. The decision to authorize DSS is within the discretion of the DHS or PATH program. BEM 232, p. 1. For purposes of BEM 232, a distinction is made between FAP-Family and FAP-Non-Family. BEM 232, p. 1. A FAP Non-Family is an eligible group that does not include a child under age 18 or a pregnant person. BEM 232, p. 1. 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. BEM 232, p. 2. Based on the testimony and evidence of both parties, Claimant is considered a FAP Non-Family. See BEM 232, p. 1.

Moreover, the Department authorizes 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. 16. However, to apply for a vehicle purchase request, BEM 232 indicates that the client must be a Family Independence Program (FIP), Child Development and Care (CDC), Medical Assistance (MA), or FAP Family recipient. See BEM 232, p. 16. The evidence presented that Claimant does not fall within any of the above categories. As stated above, Claimant is considered a FAP Non-Family; however, a FAP Non-Family group is ineligible to apply for vehicle purchase requests. See BEM 232, pp. 1 and 16. Claimant testified that she was told differently about the

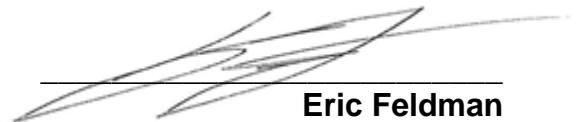
requirements for the DSS by DHS (Lansing) and/or her previous caseworker. See Exhibit 1, p. 5.

Nevertheless, based on the foregoing information and evidence, the Department properly denied Claimant's DSS request for vehicle purchase on April 10, 2014, in accordance with Department policy. See BEM 232, pp. 1 - 2 and 16. The evidence presented that Claimant does not fall within any of the categories to apply for vehicle purchase request (e.g., FIP, CDC, MA, or FAP Family). See BEM 232, pp. 1 - 2 and 16. As such, the Department properly denied Claimant's DSS vehicle purchase request in accordance with Department policy.

DECISION AND ORDER

The Administrative Law Judge, based on 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 properly denied Claimant's DSS request for vehicle purchase on April 10, 2014.

Accordingly, the Department's DSS decision is AFFIRMED.



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 12, 2014

Date Mailed: June 12, 2014

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides or has its principal place of business in the State, 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

EJF/cl

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