

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

IN THE MATTER OF:



Reg. No.: 14-017309
Issue No.: 7001
Case No.:
Hearing Date: February 25, 2015
County: Wayne (35)

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 February 25, 2015, from Redford, Michigan. Participants included the above-named Claimant. Participants on behalf of the Department of Human Services (DHS) included , hearings facilitator.

ISSUE

The issue is whether DHS properly denied Claimant's request for Employment Support Services (ESS) for the reason that Claimant has no minor children.

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 applied for assistance seeking payment of auto insurance premiums.
2. Claimant was a single individual with no minor children.
3. On , DHS mailed a Notice of Case Action (Exhibits 1-2) informing Claimant of a denial of her request for auto insurance premium payments for the reason that Claimant was a single individual with no minor children.
4. On , Claimant requested a hearing to dispute the denial of auto insurance premium payments.

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).

Direct Support Services (DSS) are goods and services provided to help families achieve self-sufficiency. BEM 232 (10/2014), p. 1. DSS includes Employment Support Services (ESS) and Family Support Services (FSS) that directly correlates to removing an employment-related barrier. *Id.* Employment Support Services (ESS) include, but are not limited to, transportation, special clothing, tools, physical exams, vehicle purchases, vehicle insurance and vehicle repair. *Id.*

The present case concerns a denial of Claimant's request for DHS to pay auto insurance premiums. DHS has some leeway in denying such requests.

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

Though DHS has discretion to authorize (or deny) DSS, a responsibility to not abuse that discretion is implied. Thus, the analysis will continue to determine if DHS abused that discretion.

DHS denied Claimant's request for the reason that Claimant was a single individual with no minor children. Claimant testimony suggested that DHS abused their discretion in denying the ESS request.

DSS policy requirements are broken into subsections. The subsections are based on the programs received by the client. Insurance payments (an ESS), are potentially available to clients receiving the following:

- FIP (Family Independence Program)
- CDC (Child Development and Care), MA (Medical Assistance), and FAP (Food Assistance Program) Family; or
- FIP, CDC, MA, and FAP Family applicants

Id., pp. 3-5

It was not disputed that Claimant was a Healthy Michigan Plan (HMP) recipient. HMP is a program within the MA program. The above policy could be construed so that HMP recipients are potentially eligible for ESS. A closer look at DSS requirements suggest that is not the outcome which DHS intended.

Employment Support Services are available only if all these apply:

- No other resource is available.
- The family is applying for or receiving CDC, MA or FAP.
- The CDC, MA or FAP recipient did not receive DSS for more than four consecutive months.

Id., p. 4.

A reference of “family” is highly suggestive that DHS offers ESS only to persons meeting the definition of family. DHS does not define “family” but states what is intended by a “FAP family.” 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. *Id.*, p. 2. Presumably, DHS defines “families” the same as “FAP Family” except for the requirement of FAP eligibility. This interpretation would disqualify single individuals with no minor children from ESS eligibility. This is the presumed intent of ESS policy.

It was not disputed that Claimant was a single individual with no minor children. Based on the above interpretation and application of ESS policy, Claimant is not entitled to ESS benefits. Accordingly, it is found that DHS was within their discretion in denying Claimant’s request for auto insurance premiums.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant’s request for ESS. The actions taken by DHS are **AFFIRMED**.



Christian Gardocki
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **3/5/2015**

Date Mailed: **3/5/2015**

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 48909-8139

cc:

