

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

IN THE MATTER OF:

████████████████████
████████████████████
████████████████████

Reg. No.: 15-014803
Issue No.: 7001
Case No.: ██████████
Hearing Date: October 05, 2015
County: Macomb-District 20 (Warren)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on October 5, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Eligibility Specialist.

ISSUE

Did the Department properly process and deny Claimant's application for Direct Support Services (DSS) assistance with a vehicle purchase?

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 June 24, 2015, Claimant purchased a vehicle and paid a deposit of ██████████ towards the costs of the vehicle. \$2000 was due and owing towards the remaining costs of the vehicle purchase. (Exhibit 1, p. 3)
2. On or around June 25, 2015, Claimant submitted an application requesting DSS assistance with a vehicle purchase. (Exhibit A)
3. On an unverified date, the Department verbally notified Claimant that her DSS application was denied.

4. On August 5, 2015, Claimant requested a hearing disputing the Department's actions.

CONCLUSIONS OF LAW

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

DSS are goods and services provided to help families achieve self-sufficiency and include Employment Support Service (ESS) which allows for vehicle purchase. BEM 232 (October 2014), p. 1. There is no entitlement for DSS. BEM 232, p. 1. The decision to authorize DSS is within the discretion of the Department or PATH program. BEM 232, p. 1. The Department may authorize 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. Vehicle purchase is limited to once in a client's lifetime. BEM 232, pp.16-17.

In addition and among other things, prior to authorizing the purchase, the Department is to ensure: that public transportation is not reasonably available (such as, considering the location and hours of the employment, child care or long commute as defined as good cause in BEM 233A), and the person has no other means to reach the job site reliably; and that the client has the ability to afford any payments, insurance, and other expenses associated with owning the vehicle. BEM 232, pp. 16-17. Furthermore, before approving a vehicle purchase, the Department is to ensure that any additional payment above the allocation from the Department are affordable by the client, and will in no way hinder the client's progress towards self-sufficiency and financial independence. BEM 232, p. 17. The Department is to send a DHS-1605, Client Notice, informing the client of the outcome of the DSS request. BEM 232, p.7.

In this case, the Department denied Claimant's request for DSS assistance with a vehicle purchase because based on the information provided with her application, Claimant put a down payment/deposit of \$2892 towards the purchase of her vehicle prior to submitting her request for DSS assistance for the remaining amount of \$2000. (Exhibit 1, p. 3). The Department stated that Claimant resolved her own emergency before applying for DSS. The Department further testified that because Claimant's place of employment was located near a bus route, public transportation was reasonably available to her and she did not meet the requirements for DSS assistance.

At the hearing, Claimant confirmed that she purchased a vehicle on June 24, 2015, and paid a deposit towards the costs of the vehicle. Claimant stated that the information she was provided with prior to submitting the application instructed her that was required to pay any amount which exceeded the request, which she did. (Exhibit 2). Claimant stated that she often works the night shift and on Sundays and that she is sometimes sent home at 3:00 a.m. when busses are not available. The Department asserted that the employment verification submitted by Claimant does not specify that she is employed for the night shift. (Exhibit 1, p. 4).

Although the Department failed to establish that it sent Claimant written notice of the denial, Claimant confirmed that she was notified of the Department's decision that she was ineligible for DSS assistance with her vehicle purchase. Thus, based on the information available to the Department at the time the request for DSS assistance was submitted and because the decision to authorize DSS is within the discretion of the Department, the Department properly processed and denied Claimant's application for DSS assistance.

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 denied Claimant's DSS application. Claimant was informed that she was entitled to submit a new application for DSS assistance with vehicle purchase and have her eligibility determined, as she indicated during the hearing that her work schedule varies and that she works night shift, which the Department was not aware of prior to the hearing.

DECISION AND ORDER

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



Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **10/16/2015**

Date Mailed: **10/16/2015**

ZB / tlf

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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]