

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-003681
Issue No.: 7001
Case No.: [REDACTED]
Hearing Date: May 07, 2015
County: Kent (1) (Franklin)

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 May 7, 2015, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Health and Human Services (Department) included [REDACTED], Family Independence Manager, and [REDACTED] Eligibility Specialist.

ISSUE

Did the Department properly not authorize Claimant's Direct Support Services (DSS) requests?

FINDINGS OF FACT

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

1. In October 2014, Claimant requested DSS for auto insurance and vehicle repair.
2. On January 5, 2015, Claimant purchased a different vehicle and requested DSS for auto insurance for this vehicle.
3. Claimant has had the same employment since [REDACTED] 2013.

4. On March 5, 2015, Claimant filed a hearing request¹ contesting the Department's decision not to authorize DSS.

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.

Department of Human Services (DHS)² 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. BEM 232, (October 1, 2014) p. 1.

There is no entitlement for DSS. The decision to authorize DSS is within the discretion of the DHS or PATH program. BEM 232, p. 1.

Vehicle repair is a potentially covered service through the DSS program. Authorize vehicle repairs for each participant for a vehicle that is the primary means of transportation for employment-related activities, even if public transit is available. The total DHS/PATH program cost of repairs may not exceed \$900.00 including any repairs done in the previous 12 months. Clients may contribute any amount over \$900.00 prior to DHS payment. BEM 232, p. 15.

Vehicle insurance is also a potentially covered service through the DSS program. Limited to once in a client's lifetime. Limit the vehicle insurance coverage for the time period in which the client is establishing income to allow for their ongoing payment of the insurance, up to three months maximum. If the client requires high risk vehicle insurance that is higher than \$300.00 per month, limit the allowance for one month. BEM 232, p. 18. (Emphasis added by ALJ)

In this case, Claimant contests the Department's determinations not to authorize her DSS requests. Claimant first requested DSS for auto insurance and vehicle repair in

¹ On the March 5, 2015, hearing request, Claimant also contested an action regarding the Food Assistance Program (FAP). On March 16, 2015, Claimant filed a Hearing Request Withdrawal. On March 23, 2015, an Order of Partial Dismissal Pursuant to Withdrawal of FAP Request for Hearing was issued dismissing the FAP portion of this appeal.

² The Department of Human Services (DHS) became part of the Department of Health and Human Services as of April 13, 2015, pursuant to Executive Order 2015-4.

October 2014. On [REDACTED] 2015, Claimant purchased a different vehicle and requested DSS for auto insurance for this vehicle.

Claimant explained that she has not been able to obtain the requested 3-month insurance quotes because the insurance companies will only provide 6-month quotes. Claimant asserts that the Department should consider one half the amount of a 6-month quote as the cost for 3 months. Claimant acknowledged that she has had the same employment since [REDACTED] 2013.

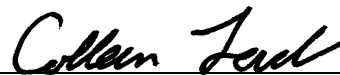
The Department noted that per the BEM 232 policy cited above, there is no entitlement for DSS and the decision to authorize DSS is within the discretion of the Department. Additionally, the Department explained that the DSS requests could not be authorized because Claimant had not submitted a 3-month quote for insurance. Further, the Department noted that because Claimant was not establishing income, she did not qualify for DSS for vehicle insurance.

Ultimately, the Department's determinations to not authorize Claimant's DSS requests must be upheld. The above cited policy is clear that there is no entitlement for DSS and the decision to authorize DSS is within the discretion of the Department. Additionally, there is no longer any need to consider the DSS request for vehicle repair because Claimant replaced the vehicle that needed repair. Regarding the DSS request for vehicle insurance, it was uncontested that Claimant has had the same employment since [REDACTED] 2013. Accordingly, Claimant did not qualify for DSS for vehicle insurance because she was not establishing income.

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 did not authorize Claimant's DSS requests.

DECISION AND ORDER

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



Colleen Lack
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **5/14/2015**

Date Mailed: **5/14/2015**

CL / jaf

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:

