

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 15-010048
Issue No.: 7001
Case No.: ██████████
Hearing Date: July 23, 2015
County: Wayne-District 19 (Inkster)

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 July 23, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Hearings Facilitator.

ISSUE

Did the Department properly process 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 May 20, 2015, Claimant submitted an application requesting DSS assistance with a vehicle purchase.
2. On May 20, 2015, in connection with the application, the Department received verification of Claimant's employment, paystubs, and vehicle estimates.
3. On June 3, 2015, Claimant submitted an application for State Emergency Relief (SER) requesting assistance with a vehicle purchase. (Exhibit A)
4. On June 11, 2015, the Department sent Claimant an Application Notice informing her that her SER request had been denied on the basis that her group does not meet program requirements. (Exhibit B)

5. On June 17, 2015, Claimant requested a hearing disputing the Department's actions with respect to her application for assistance with a vehicle purchase.

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).

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

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 assistance with 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 assistance is limited to once in a client's lifetime. BEM 232, pp.16-17. 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, on May 20, 2015, Claimant submitted an application for DSS assistance with a vehicle purchase, as well as verification of her employment, vehicle documents, and two estimates. The Department acknowledged that as of the hearing date, Claimant's DSS request assistance was not processed and the Department had not sent Claimant a DHS 1605 informing her of the outcome of her DSS request. The hearing summary prepared for the hearing was also unsupported by any documentation in the file. The Department remained unable to explain the status of Claimant's DSS request or why it had not been processed.

Claimant testified that after speaking with her case worker, she was instructed to complete an application for SER assistance and indicate that she was requesting assistance with purchasing a vehicle. (Exhibit A). The evidence established that on June 11, 2015, the Department denied Claimant's SER application on the basis that the group does not meet program requirements. (Exhibit B). The denial was proper, as

vehicle purchases are not types of assistance administered by or authorized under the SER program.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it processed Claimant's DSS application.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED IN PART** with respect to the denial of Claimant's SER application and **REVERSED IN PART** with respect to the failure to process the DSS application.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Register and process Claimant's May 20, 2015, DSS request for assistance with vehicle purchase;
2. Provide Claimant with any DSS assistance with vehicle purchase that she was entitled to receive but did not from the application date, ongoing; and
3. Notify Claimant in writing of its decision in accordance with Department policy.



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

Date Signed: **8/12/2015**

Date Mailed: **8/12/2015**

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:

Response	Percentage
Yes, the U.S. should take action to address climate change	95%
No, the U.S. should not take action to address climate change	5%