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

IN THE MATTER OF:

[redacted]

MAHS Reg. No.: 15-017107
Issue No.: 7001
Agency Case No.: [redacted]
Hearing Date: January 04, 2016
County: WAYNE-DISTRICT 76 (GRATIOT/SEVEN M)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

Following Petitioner'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 January 4, 2015, from Detroit, Michigan. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by [redacted] Family Independence Specialist, and [redacted] PATH Coordinator.

ISSUE

Did the Department properly deny Petitioner's application for Direct Support Services (DSS) assistance with a car 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 [redacted], Petitioner applied for Family Independence Program (FIP) benefits.

2. As a condition of FIP eligibility, he participated in, and completed, the 21-day PATH application eligibility period (AEP) with Ross Innovative Employment Solutions, the PATH work participation program.

3. On [redacted], Petitioner obtained employment through his participation in the PATH AEP.

4. On [redacted], Petitioner requested assistance from Ross for the purchase of a car.

5. On [redacted], Ross sent Petitioner a letter advising him that a check to purchase a vehicle was available for pick up (Exhibit 1).

6. On [redacted], Petitioner went to pick up the check.

7. Because the Department's system was incorrectly showing that Petitioner had not completed the AEP, the check was voided and was not delivered to Petitioner.

8. On [redacted], Petitioner filed a request for hearing disputing the Department's actions denying the car 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).

As a preliminary matter, it is noted that, although Petitioner requested a French interpreter in his hearing request, prior to the hearing he asked to proceed without the interpreter when the Department failed to make an interpreter available, despite the fact that his hearing had been previously adjourned because the Department had failed to have an interpreter. He was advised to inform the undersigned if he did not understand any of the proceedings, and the hearing proceeded.

At the hearing, Petitioner clarified that he requested a hearing to dispute the Department's denial of his request for a car purchase. Assistance in purchasing a car is available through the Department's Direct Support Services (DSS). 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 Services (ESS), which provides for vehicle purchase. BEM 232 (October 2014), p 1. PATH may authorize ESS to any mandatory or voluntary FIP work program participant who is active on the One-Stop Management Information System (OSMIS). BEM 232, p. 5. Up to $2,000 may be authorized 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. A vehicle may be purchased for a currently employed client if the client needs a vehicle to accept a verified offer of a better job or to retain current employment and has a demonstrated ability to maintain a job. BEM 232, p. 16. Vehicle purchase is limited to once in a client's lifetime. BEM

232, p 13. There is no entitlement to DSS assistance, and the decision to authorize DSS is within the discretion of the Department or the PATH program. BEM 232, p 1.

In this case, Petitioner explained that he requested assistance for the purchase of a vehicle from the PATH program because his ownership of a car was a condition of his employment as a home health aide. PATH authorized Petitioner's car purchase but, when he went to pick up his check/voucher, the Department's system indicated that he had not completed the AEP. As a result, his case closed per MIS on September 3, 2015, and the check for the vehicle purchase was voided (Exhibit G). However, the Department acknowledges that Petitioner completed the PATH AEP and, in fact, obtained employment through his participation in PATH. Under the circumstances presented in this case, where Petitioner was a PATH participant, satisfied all of the conditions for receipt of DSS assistance, and was approved for DSS assistance for a car purchase, the Department abused its discretion when it withdrew the DSS approval because of an error in its own system.

At the hearing, the Department countered that, although it initially denied the DSS assistance due to its own error, because Petitioner did not reengage in the AEP and, consequently, his FIP case closed, the Department ultimately properly denied the DSS funds. Petitioner explained that, because he had already completed one AEP and was employed at that time that he was referred back to the second AEP, he was unable to reengage in another 21-day AEP. At the hearing, the Department acknowledged that Petitioner fulfilled his PATH employment activities through his employment. Because Petitioner had completed the AEP and continued to fulfill his PATH obligations through employment, his failure to reengage in the AEP would not serve as a basis for denying the previously approved 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 did not act in accordance with Department policy when it failed to issue DSS funds for Petitioner's purchase of a car.

DECISION AND ORDER

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

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. Issue DSS benefits for a car purchase on Petitioner's behalf in accordance with

Department policy.

Alice C. Elkin
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **1/5/2016**

Date Mailed: **1/5/2016**

ACE / 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 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]