



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

MIKE ZIMMER
DIRECTOR

[REDACTED]

Date Mailed: March 10, 2016
MAHS Docket No.: 15-024492
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Darryl Johnson

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 March 8, 2016, from Lansing, Michigan. The Petitioner represented herself. The Department of Health and Human Services (Department) was represented by Eligibility Specialist [REDACTED]

ISSUE

Did the Department properly deny Petitioner's application for Direct Support Services (DSS) to assist her in the purchase of a vehicle?

FINDINGS OF FACT

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

1. Petitioner is a recipient of Food Assistance Program (FAP) and other benefits from the Department.
2. In August 2015 Petitioner requested assistance to allow her to purchase a vehicle from her grandmother, and that application was denied.
3. On November 3, 2015, Petitioner again applied for assistance, requesting \$ [REDACTED] to purchase a 2001 Chevrolet Lumina from her grandmother.

4. The Department did not request from Petitioner verification that the vehicle had been inspected by a licensed mechanic and found to be roadworthy.
5. Petitioner does not have public transportation reasonably available for her to provide transportation for her [REDACTED]-year-old child to and from daycare and herself to and from her place of employment.
6. Petitioner is working full-time, earning \$ [REDACTED] per hour.
7. Petitioner has a valid Michigan driver's license.
8. On December 5, 2015, title to the vehicle was transferred from the grandmother to the Petitioner; Petitioner has not paid anything to the grandmother but the understanding is that the grandmother will be paid when Petitioner receives the DSS.
9. When the Department finally processed the application, it found that the title was in Petitioner's name and thus denied her application.

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.

In this case, when Petitioner submitted her application for DSS she did not have a vehicle in her name. As stated in BEM 232 (10/1/14) at pages 16-17, the Department may authorize up to \$2,000 to purchase a vehicle to be used as a participant's primary means of transportation for work. Several conditions affect eligibility. Petitioner has demonstrated that she needs a vehicle to get to work; that public transportation is not reasonably available considering the distance from her home to daycare to work and then returning; she has the ability to register and insure the vehicle; and, she did not own a vehicle at the time of her application. She has not obtained an inspection of the vehicle, but that was because the Department never advised her that an inspection is required.

It is noted that the policy for DSS is that funds are allocated to local offices annually, and those offices must prioritize the services provided to assure expenditures do not exceed their allocation. There is no entitlement for DSS; the decision whether to authorize DSS is within the discretion of the Department or the PATH 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 did not act in accordance with Department policy when it failed to (a) timely advise Petitioner that she needed to provide a statement that the vehicle needed to be inspected; and (b) timely make a determination on Petitioner's application.

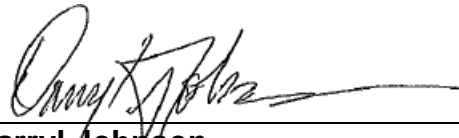
DECISION AND ORDER

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. Redetermine Claimant's DSS benefit eligibility, effective November 1, 2015;
2. Exercise its discretion in determining whether Petitioner was eligible for DSS for the purchase of the vehicle.

DJ/mc



Darryl Johnson
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

DHHS

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]