



RICK SNYDER
GOVERNOR

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

MIKE ZIMMER
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: April 14, 2016
MAHS Docket No.: 16-002292

[REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 April 7, 2016, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly process the Petitioner's request for Direct Support Services (DSS) for assistance with her car insurance?

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 November 2, 2015, the Petitioner inquired for assistance with her car insurance payment.
2. On November 16, 2015, the Petitioner submitted a copy of an insurance quote to the Department. Department Exhibit 6-7.
3. On November 16, 2015 and February 12, 2016, the Petitioner submitted a copy of her vehicle registration to the Department. Department Exhibit 5.

4. On February 12, 2016, the Petitioner submitted a copy of her driver's license. Department Exhibit 4.
5. On February 12, 2016, the Department received a hearing request from the Petitioner, contesting the length of time it was taking to get an answer about her 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.

In this case, the Petitioner inquired for assistance with her car insurance payment on November 2, 2015. On November 16, 2015, the Petitioner submitted a copy of an insurance quote to the Department. Department Exhibit 6-7. On November 16, 2015 and February 12, 2016, the Petitioner submitted a copy of her vehicle registration to the Department. Department Exhibit 5. On February 12, 2016, the Petitioner submitted a copy of her driver's license. Department Exhibit 4. On February 12, 2016, the Department received a hearing request from the Petitioner, contesting the length of time it was taking to get an answer about her DSS. BAM 600.

During the hearing, the Petitioner stated that she had provided all the information required for the Department to make a determination about her DSS request. However, the Department only had 1 insurance quote and 2 insurance quotes were required. The Petitioner stated that she had previously submitted two quotes with one from [REDACTED] and the other from [REDACTED]. The Department only had an insurance quote from [REDACTED], but not from [REDACTED]. There was no evidence in the file or in the hearing packet that the Department had requested the Petitioner to submit 2 insurance quotes. Although the Department has discretion over their DSS funds, they still have to give the Petitioner an answer when funds are requested through DSS. The Petitioner knew that she needed 2 quotes and thought that she had provided them.

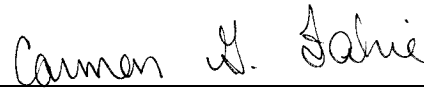
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it failed to give the Petitioner an answer for the DSS requested.

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. Initiate a redetermination of the Petitioner's eligibility for DSS by sending a Verification Checklist, DHS 3503 for the Petitioner to provide 2 current insurance quotes.
2. Provide the Petitioner with written notification of the Department's revised eligibility determination.
3. Issue the Petitioner any retroactive benefits she/he may be eligible to receive, if any.



CF/db

Carmen G. Fahie
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

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]

[REDACTED]

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