



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

Date Mailed: June 1, 2016
MAHS Docket No.: 16-005177
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 May 26, 2016, from Detroit, Michigan. Petitioner was represented by [REDACTED] (SM), an adult member of Petitioner's household and benefit group. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly process SM's request for Direct Support Services (DSS) assistance?

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 and SM live together with eight minor children and receive Food Assistance Program (FAP) benefits for themselves and their children.
2. In February 2016, SM verbally requested assistance with car repair and/or purchase and tuition reimbursement.
3. On April 19, 2016, SM filed a hearing request asserting that the Department had denied her request for transportation assistance and tuition assistance and had failed to send her notice of her eligibility for assistance (Exhibit A).

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.

At the hearing, SM argued that she was improperly denied assistance with vehicle repair or purchase, tuition reimbursement, and child care. Because SM did not raise child care as an issue in her hearing request, it is not properly presented as an issue at the hearing. BAM 600 (October 2015), pp. 2, 4-5, 33, 35.

DSS are goods and services provided to help families achieve self-sufficiency and include Employment Support Services (ESS) and Family Support Services (FSS) that are intended to remove an employment-related barrier. BEM 232 (October 2014), p. 1. 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. ESS include vehicle purchase. BEM 232, p. 1. FSS include classes and seminars, counseling services and commodities. BEM 232, p. 1. Food Assistance Program (FAP) clients who are not applicants or recipients of the Family Independence Program (FIP) benefits and who do not qualify for DSS may be eligible for the FAP employment and training (E&T) reimbursement to provide support services to FAP clients who are in self-initiated job search or self-initiated community service. BEM 232, p. 5. E&T support services include transportation/travel, interview clothing for job interviews; personal safety items; books or training manuals; tools; other necessary preparatory items. BEM 232, p. 5. The Department must send a DHS-1605, Notice of Case Action, informing the client of the outcome of his/her DSS request. BEM 232, p. 7; BAM 220 (April 2016), p. 2.

The Department explained that SM requested assistance with car repair following an April 6, 2016 hearing and that a Notice of Case Action denying the request was sent on April 26, 2016 (Exhibit B). Therefore, the Department established that it completed processing SM's request for assistance with car repair. However, because the Department sent the Notice denying the DSS request for assistance with car repair after SM filed her April 19, 2016 hearing request, the negative action arose after SM submitted her hearing request. Accordingly, SM's hearing request could not contest that Department action. See BAM 600, p. 4. Furthermore, SM testified at the hearing that she had sold her car. Therefore, the issue of the car repair is now moot. Nevertheless, SM is advised that she can request a hearing to dispute the April 19, 2016 car repair denial in accordance with policy if she wishes to dispute that action.

SM testified that she had also requested assistance with tuition and with car purchase from her worker in February 2016, and, although her worker had verbally denied the requests, she did not receive any notice concerning those requests. The Department testified that there are no written applications for DSS requests and was therefore unable to dispute SM's testimony that a request for DSS assistance was made. Because the Department had not sent any notices of case action to SM concerning her request for car purchase and tuition assistance, the Department failed to properly process SM's request.

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 process SM's request for assistance with car purchase and tuition assistance.

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. Process SM's request for DSS assistance with car purchase and tuition assistance;
2. Provide SM with assistance she is eligible to receive, if any; and
3. Notify SM in writing of its decision.

ACE/tlf



Alice C. Elkin

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

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