



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: October 12, 2016
MAHS Docket No.: 16-013164
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the 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 October 11, 2016, from Lansing, Michigan. The Petitioner, [REDACTED] [REDACTED] appeared and testified. The Department of Health and Human Services (Department) was represented by Assistance Payments Worker, [REDACTED] [REDACTED] and Family Independence Manager, [REDACTED] [REDACTED]

PROCEDURAL HISTORY

The record closed at the conclusion of the hearing. The following exhibits were offered and admitted into evidence:

Department: A--Case Comments.
B--June 23, 2016, Wage Match Client Notice.
C--June 28, 2016, email correspondence.
D--August 19, 2016, Notice of Case Action.
E-- September 1, 2015, Petitioner's report of change.
F—Copy of the Petitioner's driver's license, registration and proof of insurance.
G-- August 1, 2016, car repair estimate.
H-- July 8, 2016, Verification of Employment.

Petitioner: None.

ISSUE

Did the Department properly take action to close the Petitioner's Food Assistance Program (FAP) case and to deny the Petitioner's request for Direct Support Services (DSS) assistance with vehicle repairs?

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 June 23, 2016, the Petitioner was mailed a Wage Match Client Notice.
2. On June 28, 2016, via email, the Petitioner was advised to have the Wage Match Client Notice form completed and returned by the July 25, 2016 due date.
3. On August 1, 2016, the Petitioner requested DSS assistance for a vehicle repair.
4. The Petitioner submitted most of the required documentation, but did not submit verification that the repair would make the vehicle safe and roadworthy.
5. On August 19, 2016, the Petitioner's FAP case was pended to close effective September 1, 2016, due to the Petitioner's failure to return the Wage Match Client Notice.
6. On August 25, 2016, the Petitioner's DSS request was denied.
7. On September 9, 2016, the Department received the Petitioner's written hearing request protesting the denial of her DSS request and the closure of her FAP case.

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 Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

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.

Additionally, BEM 232 (2014) p. 1, provides that DSS are goods and services provided to help families achieve self-sufficiency. DSS includes Employment Support Services (ESS) and Family Support Services (FSS) that directly correlates to removing an employment-related barrier. There is no entitlement for DSS. The decision to authorize DSS is within the discretion of the DSS or PATH program. DSS includes, but is not limited to, transportation, vehicle purchases, vehicle insurance and vehicle repairs.

For vehicle repairs, the Department is to verify that the cost of the vehicle or repairs will not exceed the vehicles retail value. Acceptable verification is a written statement from, or a phone call to, a vehicle dealer or via the NADA Appraisal Guide on the DHS-Net, Internet sites. For vehicle repair, the Department's worker is to verify that the repair is expected to make the vehicle safe and roadworthy. The client requesting the service must have a valid driver's license. pp. 32, 33.

In this case, the uncontested testimony was that the Petitioner's verification of employment indicated that her employment was only temporary and the Petitioner did not submit verification that the vehicle repair was expected to make the vehicle safe and roadworthy. The Petitioner testified that the mechanic told her he had been working with the Department for years and that no such verification was necessary. The Petitioner testified that she did advise the mechanic that she needed such a statement, she informed her worker what the mechanic said and asked if she should get an additional statement. The Petitioner testified that her worker did not respond to her question. The Petitioner did not submit proof of permanent employment until August 13, 2016 and her request for DSS for vehicle repair was denied on August 19, 2016. By that date, the Petitioner was no longer employed.

The policy provides that DSS is correlated to removing an employment barrier. In this case, the Petitioner ultimately became unemployed due to other reasons than the denial of DSS. Furthermore, the policy provides that the granting of DSS is completely with in the Department's discretion. It is not contested that the proper verification was not received, and a close review of the policy provides for no standard of promptness for a DSS request. As such, the evidence establishes that the Department was acting in accordance with departmental policy when taking action to deny the Petitioner's DSS request.

In this case, the Petitioner testified that she was no longer disputing any issue with her FAP case. The Petitioner withdrew her hearing request on the FAP issue.

DECISION AND ORDER

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 acted in accordance with Department policy when it took action to deny the Petitioner's DSS request. Accordingly, the Department's decision is **AFFIRMED**.

Based on the Petitioner's hearing request withdrawal taken on the record, the Hearing request for FAP is hereby **DISMISSED**.

SO ORDERED.



SH/nr

Susanne E. Harris
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]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]