



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: January 20, 2017  
MAHS Docket No.: 16-017739  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton**

### **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 [REDACTED], from [REDACTED] Michigan. The Petitioner was represented by [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED] Hearing Facilitator.

### **ISSUE**

Did the Department properly deny Petitioner's Request for Direct Support Services?

### **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 submitted a Vehicle Request Form requesting financial assistance for vehicle repairs.
2. Petitioner failed to submit any correspondence from a licensed mechanic.
3. On [REDACTED], the Department sent Petitioner a Notice of Case Action which informed Petitioner that her request for financial assistance for vehicle repairs had been denied.
4. On [REDACTED], Petitioner filed a Request for Hearing disputing the Department's actions.

## 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.

Additionally, **Direct Support Services (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 DHS or PATH program. BEM 232 (October 2014), p. 1. [Emphasis in the original].

In this case, Petitioner completed the Vehicle Request Form on [REDACTED] requesting financial assistance with the repairs to her vehicle. The instructions attached to the form requested a number of documents including an original estimate of the cost of the repairs from a licensed mechanic. The Department confirmed that it received all required documents except the estimate. The Department indicated that it would have accepted an estimate by facsimile from a licensed mechanic. The Department testified that because it did not receive the estimate, it sent Petitioner a Notice of Case Action on [REDACTED] advising her that her request for assistance had been denied. The Department acknowledged that the Notice of Case Action contained the incorrect reason for the denial, stating that the local office did not provide the requested service.

Petitioner testified that she received a quote over the telephone from a licensed mechanic. Petitioner indicated that she provided the licensed mechanic with the Department's fax number and the mechanic agreed to send the estimate to the Department. Petitioner did not obtain a written copy of the quote and did not receive any written confirmation from the mechanic that the quote had been sent. The mechanic providing the quote to Petitioner did not appear at the hearing.

Under Department policy, for vehicle repair, the Department is required to verify that the repair is expected to make the vehicle safe and roadworthy. BEM 232, pp. 32-33. Although the instructions accompanying the Vehicle Request form instructed Petitioner to provide an estimate, policy does not require that an estimate be submitted before the request is approved. However, in addition to the request for an estimate the written instructions informed Petitioner that she must submit information from a licensed mechanic that the repairs will make the car safe and roadworthy.

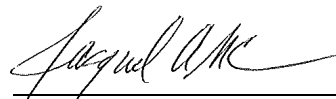
The Department confirmed that it did not receive any correspondence from a licensed mechanic. While it is true that the Notice of Case Action provided the incorrect reason for the denial, the denial was proper as there was no correspondence received from a licensed mechanic stating that the repairs would make the vehicle safe and roadworthy. This is especially significant given that the vehicle in question is approximately [REDACTED] years old. Additionally, as previously stated, approval of this benefit is within the discretion of the Department. In this case, the Department exercised its discretion not to approve Petitioner's request.

### **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 denied Petitioner's request for Direct Support Services.

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

JM/hw



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**Jacquelyn A. McClinton**

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]  
[REDACTED]  
[REDACTED]