



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

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Date Mailed: July 7, 2017
MAHS Docket No.: 17-005072
Agency No.: ██████████
Petitioner: ██████████

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 June 8, 2017, from Detroit, Michigan. The Petitioner was present and represented by ██████████ ██████████ Authorized Hearing Representative (AHR). The Department of Health and Human Services (Department) was represented by ██████████ Assistance Payment Worker.

ISSUE

Did the Department properly approve Petitioner's request for Direct Support Services (DSS)?

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 March 1, 2017, Petitioner submitted an application for DSS benefits seeking vehicle repair assistance.
2. Petitioner submitted three estimates from ██████████; ██████████ ██████████ and ██████████.
3. On March 27, 2017, the Department sent Petitioner a Notice of Case Action which informed Petitioner her request for assistance had been approved.

4. On April 5, 2017, Petitioner's AHR filed a Request for Hearing disputing the Department use of an estimate from [REDACTED] instead of [REDACTED].

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 an Employment Supportive Services Application on March 1, 2017 requesting financial assistance with the repairs to her vehicle. Petitioner submitted three estimates as instructed from A&C Auto Care; Goodyear Redford Auto Repair and Firestone Complete Auto Care.

Under Department policy, the total DHS/PATH program cost of repairs may not exceed \$ [REDACTED] including any repairs done in the previous 12 months. Clients may contribute any amount over \$ [REDACTED] prior to DHS payment. BEM 232, p. 15. The Department testified that the estimate provided from [REDACTED] was insufficient. A review of the estimate reveals that costs for parts was listed in the top portion of the estimate which totaled [REDACTED] but the estimate stated that the repairs would be completed for a cost of \$ [REDACTED]. However, the bottom portion of the estimate listed parts/supplies as \$ [REDACTED] and labor as \$ [REDACTED] with a total cost of \$ [REDACTED]. Because of the conflicting information on the [REDACTED] estimate, the Department indicated that it deemed the estimate to be insufficient and instead used the next lowest estimate, which was provided by [REDACTED].

Petitioner filed a Request for hearing as she believed the Department should have used the estimate provided by [REDACTED]. The undersigned disagrees. The Department reasonably questioned the validity of the estimate from [REDACTED] given that the estimate contained conflicting information. Reviewing this estimate could not give the Department reasonable assurance as to the services being provided by [REDACTED]. It is therefore found that the Department properly approved Petitioner's request for DSS

benefits using the estimate provided by [REDACTED] and agreed to pay the maximum amount allowed under policy.

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 approved Petitioner's request for DSS benefits using the estimate provided by [REDACTED].

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

JM/hw



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]

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]