



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

SHELLY EDGERTON
DIRECTOR

[REDACTED]
Date Mailed: October 24, 2017
MAHS Docket No.: 17-012072
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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; 42 CFR 438.400 to 438.424; 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 19, 2017, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Valarie Foley, Hearing Facilitator.

ISSUE

1. Did the Department properly deny Petitioner's application for State Emergency Relief (SER) benefits?
2. Did the Department properly process Petitioner's application 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 [REDACTED], 2017, Petitioner submitted an SER application for repairs to her vehicle (Exhibit C).
2. On August 11, 2017, the Department sent Petitioner an Application Notice informing her that her application for SER benefits was denied, as she was not eligible for SER benefits.

3. On August 25, 2017, Petitioner submitted a Vehicle Request form for DSS benefits for repairs to her vehicle.
4. On September 5, 2017, Petitioner submitted a request for hearing disputing the Department's actions.
5. On or around September 12, 2017, Petitioner attended a prehearing conference with the Department. Petitioner was verbally notified her application for DSS was denied. The Department never sent Petitioner written notice that her application for DSS benefits was denied.

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).

SER

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

In this case, Petitioner submitted an application for SER on [REDACTED], 2017. In her request for SER benefits, Petitioner stated she was requesting funds for repairs to her vehicle.

SER prevents serious harm to individuals and families. SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM (March 2013), p. 1. ERM 209 (October 2015), pp. 1-4, sets forth various emergencies for which clients can receive funds to alleviate their emergency. Repairs to a vehicle is not included. Therefore, the Department acted in accordance with policy when it denied Petitioner's request for SER benefits to repair her vehicle.

DSS

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.

The Department provides funds for DSS for goods and services provided to help families achieve self-sufficiency. BEM 232 (October 2014), p. 1. The Department will provide funds for vehicle repairs for vehicles that are the primary means of

transportation for employment-related activities. BEM 232, p. 15. Before authorizing a major vehicle repair, the Department must ensure the following conditions are met: (i) an eligible group member owns the vehicle; (ii) the client requesting the service has a valid driver's license; and (iii) the repair is expected to make the vehicle safe and roadworthy including new tires, headlamps batteries, etc. BEM 232, p. 15. A vehicle may be repaired for a currently employed client if the client needs a vehicle to accept a verified offer of a better job or needs a vehicle to retain current employment; and has a demonstrated ability to maintain a job. BEM 232, p. 15. A vehicle may also be repaired for a client who is not currently employed if the client needs a vehicle to accept a verified job offer; or needs a vehicle to participate in family self-sufficiency activities that will prepare the client for employment. BEM 232, p. 15.

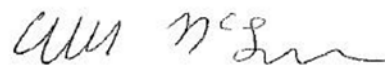
The Department testified that Petitioner was not entitled to DSS benefits for the repair to her vehicle because at the time that the application was submitted, Petitioner was not employed and had no offer of employment. Petitioner confirmed that was accurate. Petitioner was notified of the denial verbally at the prehearing conference which was scheduled on or around September 12, 2017.

The Department failed to send notice to Petitioner informing her that her DSS application had been denied. BEM 232 states when processing a DSS request, the Department will send a client notice informing the client of the outcome of his/her DSS request. BEM 232, p. 7. Although the Department did not send Petitioner notice, harmless error is found, as Petitioner was not entitled to DSS benefits. Petitioner was not employed and did not have an offer of employment at the time she applied for DSS benefits. Therefore, the Department acted in accordance with policy when it denied Petitioner's application for DSS benefits.

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 SER and DSS applications.

Accordingly, the Department's decisions are **AFFIRMED**.



EM/

Ellen McLemore
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

MDHHS-Wayne-19-Hearings

Petitioner



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