



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON  
DIRECTOR

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[REDACTED] MI [REDACTED]

Date Mailed: July 30, 2018  
MAHS Docket No.: 18-005149  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

**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 July 26, 2018, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Diane Brown, specialist.

**ISSUE**

The issue is whether MDHHS abused their discretion in denying Petitioner's request for vehicle purchase.

**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 January 23, 2018, Petitioner requested assistance with a vehicle purchase from MDHHS. Petitioner's purchase request was based on a need for transportation to and from ongoing employment.
2. As of January 23, 2018, Petitioner's time to work using public transportation was 11 minutes. (Exhibit A, p. 4)
3. On April 3, 2018, MDHHS denied Petitioner's vehicle purchase request. (Exhibit A, p. 5)

4. On May 18, 2018, Petitioner requested a hearing to dispute the denial of vehicle purchase.

### **CONCLUSIONS OF LAW**

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.

Petitioner requested a hearing to dispute a denial of a vehicle purchase. MDHHS presented a Notice of Case Action (Exhibit A, pp. 5-7) dated April 3, 2018. The notice informed Petitioner of a denial of her vehicle purchase. The stated reason for denial was that public transportation was reasonably available to Petitioner.

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. Vehicle purchases are a DSS. BEM 232 (October 2014) p. 1.

There is no entitlement for DSS. The decision to authorize DSS is within the discretion of the DHHS or PATH program. *Id.*

MDHHS may purchase a vehicle 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. *Id.* p. 16. MDHHS is to ensure that public transportation is not reasonably available before approving a vehicle purchase. Reasonable availability includes factoring location and hours of the employment, child care or long commute as defined as good cause in BEM 233A, and the person has no other means to reach the job site reliably. *Id.*, p. 17.

Generally, unless DHHS abuses their discretion, an administrative remedy for DSS is inappropriate. Thus, it need only be determined if MDHHS abused their discretion by denying Petitioner's request for a vehicle purchase.


MDHHS presented a Google map of the route between Petitioner's home and employment location. The map included timeframes for Petitioner's route between home and work. Petitioner's stated work drive was 5 minutes. Petitioner's time to work on public transportation was 11 minutes. MDHHS deemed the 11-minute bus ride to be "reasonably available" public transportation. Petitioner presented no evidence indicating otherwise.

Given the evidence, MDHHS' conclusion that public transportation was reasonably available was not an abuse of discretion. Thus, MDHHS properly denied Petitioner's request for vehicle purchase.

**DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS did not abuse their discretion in denying Petitioner's request for a vehicle purchase. The actions taken by MDHHS are **AFFIRMED**.

CG/

  
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**Christian Gardocki**  
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) 763-0155; 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**

Lori Duda  
MDHHS-Oakland 2-Hearings

**Petitioner**

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D Sweeney  
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