



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]

Date Mailed: August 28, 2018  
MAHS Docket No.: 18-006251  
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, an in-person hearing was held on August 23, 2018 from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Richkelle Curney, hearing facilitator.

**ISSUE**

The issue is whether MDHHS properly denied Petitioner's Direct Support Services (DSS) request for a 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 March 6, 2001, MDHHS issued a \$ [REDACTED] payment to Petitioner for a vehicle purchase. (Exhibit A, pp. 2-3)
2. On May 25, 2018, Petitioner requested money for a vehicle purchase from MDHHS. (Exhibit 1, p. 10) The request was for \$ [REDACTED]
3. On an unspecified date in May or June 2018, MDHHS denied Petitioner's request for vehicle purchase due to Petitioner's past approval for vehicle purchase. (Exhibit A, pp. 4-5)

4. On June 15, 2018, Petitioner requested a hearing to dispute the vehicle purchase denial.

### **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 request dated May 25, 2018. MDHHS presented a Benefit Notice (Exhibit A, pp. 4-5) dated May 18, 2018<sup>1</sup>, which informed Petitioner that her request was denied because she is limited to one vehicle purchase per lifetime.

DSS are goods and services provided to help families achieve self-sufficiency. DSS includes Employment Support Services (ESS) 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)

MDHHS may authorize up to \$2,000 to purchase a vehicle to be used as a participant's primary means of transportation for work or employment-related activities. Vehicle purchase is limited to once in a client's lifetime. (*Id*, p. 16)

Petitioner presented documents including a letter offering employment, a background check clearance, court documents concerning unpaid tickets which MDHHS paid for Petitioner, a copy of a bus pass for a disabled individual, and letters stating that Petitioner has no mental health problems. Petitioner's hearing statements implied that the documents verified that MDHHS either contributed to Petitioner's need for a vehicle and/or prevented Petitioner from being employed; the documents proved neither. More importantly, Petitioner's documents are irrelevant as they fail to address MDHHS' reasoning for denying Petitioner's purchase request.

A document from MDHHS' database listed that Petitioner received \$ [REDACTED] for a vehicle purchase in 2001. Petitioner acknowledged that she received money from MDHHS in the past for a vehicle purchase. Petitioner's previous approval purchase precludes any other purchases as Petitioner is limited to one per lifetime. Thus, MDHHS properly denied Petitioner's request for vehicle purchase.

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<sup>1</sup> Though the notice was dated May 18, 2018, MDHHS acknowledged that the notice may have been sent on a later date. A later mail date is likely as Petitioner applied for a vehicle purchase on May 25, 2018, and MDHHS would not have denied Petitioner before her request. Also, MDHHS testimony suggested that the vehicle purchase denial occurred after receipt of a Help Desk email dated June 8, 2018 (Exhibit A, p. 1) which informed the specialist who denied the case that Petitioner previously received a vehicle purchase.

**DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner's request for vehicle purchase dated May 25, 2018. The actions taken by MDHHS are **AFFIRMED**.

CG/



**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**

Tara Roland 82-17  
MDHHS-Wayne-17-Hearings

**Petitioner**

[REDACTED]  
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[REDACTED] MI [REDACTED]

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D Sweeney  
C Gardocki  
MAHS