



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

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Date Mailed: December 14, 2018
MAHS Docket No.: 18-011452
Agency No.: ██████████
Petitioner: ██████████ ██████████

ADMINISTRATIVE LAW JUDGE: John Markey

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 December 6, 2018, from Lansing, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Holly Chiddister, Case Manager. During the hearing, a 10-page packet of documents was offered and admitted as Exhibit A, pp. 1-10.

ISSUE

Did the Department follow Department policy when it denied 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 ██████████, 2018, Petitioner submitted to the Department a request for assistance with repairing her vehicle, a 2003 Ford Ranger. Along with the request, Petitioner provided an estimate for the necessary repairs totaling \$██████████ Exhibit A, pp. 4-6.
2. On September 12, 2018, the Department issued to Petitioner an Application Notice informing Petitioner that her request was denied. Exhibit A, p. 3.
3. On ██████████, Petitioner submitted to the Department a request for hearing objecting to the denial of her request for assistance with repairing her vehicle.

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.

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 may 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. There is no entitlement for DSS; the decision to authorize DSS is within the discretion of the Department. BEM 232, p 1.

The Department witness testified that Petitioner was not entitled to DSS benefits for the repair because the estimated repair costs exceeded what the Department determined to be the value of the vehicle. The Department witness stated that in such circumstances, Department will not extend DSS funds for the repair.

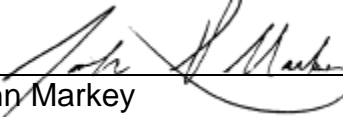
As the decision whether to grant DSS funds for car repair is within the Department's discretion, the Department's decision will be upheld so long it did not constitute an abuse of that discretion. In this case, there was no abuse of discretion. The Department's decision to deny Petitioner's application because the cost of repairs exceeded the value of Petitioner's car is a perfectly reasonable course of action. As such, the Department's decision to deny Petitioner's DSS application is affirmed.

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 DSS application.

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

JM/nr



John Markey
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

Jennifer Dunfee
692 E. Main
Centreville, MI
49032

St. Joseph County DHHS- via electronic
mail

BSC3- via electronic mail

D. Sweeney- via electronic mail

Petitioner

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