



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: November 1, 2019
MOAHR Docket No.: 19-009902
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 24, 2019, from Detroit, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly process Petitioner's request for vehicle purchase under the Direct Support Services (DSS) program?

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 August 21, 2019, Petitioner submitted a "TANF Eligibility Determination" to the Department requesting a voucher to purchase a car. With the request, she submitted four paystubs, quotes for vehicle purchase prices from three auto dealers, and a copy of her driver's license. (Exhibit A, pp. 8-15.)
2. The Department sent Petitioner a Vehicle Purchase Checklist that required, among other things, the submission of a dated statement from the seller that included the business federal tax ID number; a statement from a licensed mechanic that the vehicle is safe and roadworthy that included the mechanic's license number; a copy of proof of insurance for coverage on the vehicle; and a copy of registration (Exhibit A, p. 17).

3. Petitioner did not provide the Department with any documentation other than that submitted with her request for voucher.
4. On September 17, 2019, the Department received Petitioner's Request for Hearing disputing the Department's failure to process her vehicle purchase request.

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.

DSS are goods and services provided to help families achieve self-sufficiency and include Employment Support Services (ESS) intended to remove an employment-related barrier. BEM 232 (October 2018), p. 1. There is no entitlement to DSS assistance, and the decision to authorize DSS is within the discretion of the Department or the PATH program and is based on local office funding. BEM 232, p 1. ESS includes a voucher for up to \$2,000 for the purchase of a vehicle that is the primary means of transportation for employment-related activities. BEM 232, pp. 1, 17. Vehicle purchase is limited to once in a client's lifetime and prior Department approval is required. Among the requirements for pursuing a vehicle purchase, the client must show that the vehicle is registered to an eligible group member and insured, at a minimum, for public liability and property damage. BEM 232, p. 18. The client must also provide a written vehicle inspection by a licensed mechanic. BEM 232, p. 18. Before approving a vehicle payment, the Department confirms that the client has made any required copayment. BEM 232, p. 18. The Department sends a DHS-1605, Notice of Case Action, informing the client of the outcome of his/her DSS request. BEM 232, p. 7; BAM 220 (April 2019), p. 2.

Here, the Department indicated that Petitioner's quotes for the three vehicles were each missing information or were illegible. Specifically, the Department alleged that Petitioner had failed to submit a statement from a licensed mechanic that any of the three vehicles were safe and roadworthy or to provide a signed and dated statement from the seller that had all the required information (including the business federal tax ID number; year, make and model of the vehicle; and the vehicle purchase price). While it appears that, contrary to the Department's position, one of the provided quotes did include the business tax ID handwritten midway down the left side of the agreement (Appendix A, p. 13), there was no written statement by a mechanic concerning that vehicle or proof of insurance. Petitioner testified that she was unable to obtain a mechanic's statement regarding the vehicles she had submitted quotes for or proof of insurance prior to her

purchase. The Department explained that, in order to be eligible for a vehicle voucher, she would have to be prepared to purchase the vehicle and have all the required information submitted. Per the DSS policy, a vehicle request must include the mechanic's statement and proof of insurance.

The Department explained that a notice of case action denying Petitioner's request for a vehicle purchase had not been issued to give Petitioner time to submit the required documentation. The worker noted that there was no standard of promptness for processing DSS requests and that the ultimate decision to authorize DSS was within the Department's discretion based on local office funding.

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 required additional verifications from Petitioner before processing her DSS request.

DECISION AND ORDER

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

ACE/tlf



Alice C. Elkin
Administrative Law Judge
for Robert Gordon, 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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Via Email:

MDHHS-Macomb-20-Hearings
BSC4 Hearing Decisions
[REDACTED]
MOAHR

Petitioner – ViaFirst-Class Mail:

[REDACTED]
[REDACTED]
[REDACTED]