



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: January 31, 2017
MAHS Docket No.: 16-017736
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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; 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 January 9, 2017, from Detroit, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Patricia Terrell, Family Independence Manager.

ISSUE

Did the Department properly deny the Petitioner's Direct Support Services (DSS) request for car purchase assistance?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Petitioner applied for assistance with the purchase of a car.
2. The Department denied the Petitioner's application because she did not have a valid driver's license. The Petitioner met all other eligibility criteria except possession of a valid driver's license.
3. Per the Michigan Secretary of State, the Petitioner's driver's license is suspended as of August 30, 2016. Exhibit 5.
4. The Department denied the Petitioner's application for DSS on November 4, 2016, effective October 10, 2016. Exhibit 6.

5. The Petitioner filed a timely hearing request on [REDACTED], 2016, protesting the Department's actions.

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.

In this case, the Department received an application for DSS from the Petitioner on [REDACTED] 2016, requesting assistance with the purchase of a car. The Department denied the Petitioner's application because she was determined as ineligible because she did not have a valid Michigan driver's license. The Petitioner met all other eligibility requirements. Department policy requires the following with regard to being eligible for car purchase assistance:

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.

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

Employment Support Services (ESS) include, but are not limited to, transportation, special clothing, tools, physical exams, vehicle purchases, vehicle insurance and vehicle repair. ESS may be authorized by DHS or PATH program; see Availability and Clients Served by DHS or Clients Served by PATH in this item. BEM 232 (October 1, 2014), p. 1.

The Department may:

Authorize up to \$2,000 to purchase, not lease, a vehicle to be used as a participant's primary means of transportation for work or employment-related activities. For FIP recipients, refer to Clients Served by PATH earlier in this item. Vehicle purchase is limited to once in a client's lifetime. Prior approval through Bridges is required for this service.

A vehicle may be purchased for a client who is not currently employed if the client:

- Has a demonstrated ability to maintain a job.
- Needs a vehicle to accept a verified job offer.
- Needs a vehicle to participate in family self-sufficiency activities that will prepare the client for employment.

In addition, ensure all of the following before authorizing the purchase:

- Public transportation is not reasonably available (such as, considering the 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.
- The client has the ability to afford any payments, insurance and other expenses associated with owning the vehicle.
- **The client has a valid Michigan driver's license.**
- Verify via the Secretary of State records that the client does not own an unusable vehicle
- The vehicle must be registered to an eligible group member and insured, at a minimum, for public liability and property damage (PLPD). Vehicle insurance, license plates, or vehicle registration are covered under Other ESS later in this item and do not reduce the \$2,000 lifetime limit.

A vehicle inspection by a licensed mechanic is required, and must be placed into the case file.

Vehicle purchases made by DHS are not exempt from use and sales tax collected by the Secretary of State. BEM 232 October 1, 2014) pp. 16-17.

Thus, based upon the requirement that an applicant for DSS car purchase assistance possess a valid driver's license, the Department's denial of the Petitioner's DSS vehicle purchase assistance application was proper and in accordance with Department policy.

The Petitioner at the hearing raised a number of arguments asserting that she does not recognize herself as a citizen of the United States but is a diplomat of [REDACTED] and is a member of the [REDACTED] Tribe, and in addition, asserted that the denial of the

application inhibited the Petitioner's constitutional right to travel. Petitioner Exhibit B. See also Petitioner's hearing request, Petitioner Exhibit A. These arguments are not addressed as the Petitioner did not meet the eligibility requirement that she possess a valid Michigan driver's license, and as such, cannot be considered eligible for the DSS car purchase assistance.

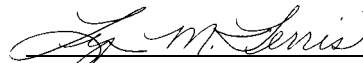
The Petitioner may reapply for DSS at any time when she can present a valid Michigan driver's license.

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 the Petitioner's DSS application for vehicle purchase assistance.

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

LMF/jaf



Lynn M. Ferris

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

Demitra Owens
5131 Grand River Ave
Detroit MI 48208

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]

Wayne (49)
BSC4
D Sweeney
L M Ferris
MAHS