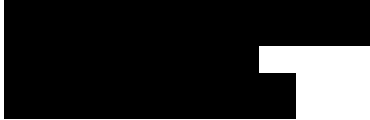




RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: March 1, 2018
MAHS Docket No.: 17-016515
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 February 14, 2018, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Richkelle Curney, Hearing Facilitator.

ISSUE

Did the Department fail to process Petitioner's request 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 October 12, 2017, Petitioner submitted a change report. In the change report, Petitioner requested funds for a new vehicle.
2. On December 20, 2017, Petitioner requested a hearing.
3. On January 4, 2018, the Department sent Petitioner a Notice of Case Action informing her that her request for DSS was approved in the amount of \$1,199.

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, Petitioner submitted a request for DSS benefits on [REDACTED], 2017. Petitioner went to a Department location and advised the individual working at the front desk that she wanted to request funds to purchase a new vehicle. The Department worker completed the request on Petitioner's behalf. The Department worker requested the funds by using a change report (Exhibit A).

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 will provide funds for vehicle repairs for vehicles that are the primary means of transportation for employment-related activities. BEM 232, p. 15. The standard of promptness (SOP) begins the date the department receives an application/filing form, with minimum required information. BAM 115 (October 2017), p. 15. For DSS cases, requests for services must be processed as quickly as possible. BAM 115, p. 16.

The Department testified that there is no standard application for requesting DSS benefits. The Department stated that Petitioner's request for DSS benefits on the change report form was an acceptable method to request the funds. The Department also conceded that Petitioner's request for benefits was initially not processed. After Petitioner requested a hearing regarding the request for DSS benefits, the Department processed her request for DSS benefits.

On January 4, 2018, the Department sent Petitioner a Notice of Case Action informing her that her request for DSS benefits was approved. Petitioner was approved \$1,999 in DSS funds for a vehicle purchase. However, Petitioner testified that she never received notification that funds were dispersed to the vendor for the purchase of a vehicle.

The Department testified that it was unsure if a vendor payment was issued to Petitioner. The Department uses a system called Bridges to track client case processing. However, at this time, Bridges does not process DSS payments. BEM 232 (October 2014), p. 7. When processing DSS requests, authorizations are sent to the accounting office, which issues the vendor payments. BEM 232, p. 8. The Department stated that the accounting office may or may not have issued the vendor payment. Therefore, the Department failed to establish that it fully processed Petitioner's request for DSS benefits.

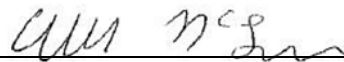
DECISION AND ORDER

The Department's decision regarding Petitioner's DSS benefits is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Complete the processing of Petitioner's request DSS benefits; and
2. If vendor is eligible for payment and payment has not been issued, issue payment to vendor.

EM/cg



Ellen McLemore
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

Via Email:

MDHHS-Wayne-17-Hearings
MDHHS-Recoupment-Hearings
D. Sweeney
BSC4 Hearing Decisions
MAHS

Petitioner – Via First-Class Mail:

