



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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Date Mailed: July 2, 2019
MOAHR Docket No.: 19-004923
Agency No.: ██████████
Petitioner: ██████████

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, a telephone hearing was held on June 27, 2019, from ████████ Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Valarie Foley, hearing facilitator.

ISSUE

The issue is whether MDHHS properly processed 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. In or near January 2019, Petitioner requested from MDHHS assistance with vehicle insurance payments.
2. On May 20, 2019, Petitioner requested a hearing to dispute the failure of MDHHS to process Petitioner's request for vehicle insurance payments. Exhibit A, pp. 1-2.
3. As of June 27, 2019, MDHHS had not processed Petitioner's request for vehicle insurance payments.

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 the alleged failure of MDHHS to process her request for assistance with vehicle insurance. Petitioner credibly testified that she requested vehicle insurance payments from MDHHS in January 2019; MDHHS did not dispute Petitioner's testimony.

DSS are goods and services provided to help families achieve self-sufficiency. BEM 232 (October 2018), p. 1. DSS includes Employment Support Services (ESS). *Id.* ESS includes payment for vehicle insurance. *Id.* ESS may be authorized when directly needed to obtain, maintain, or enhance a person's employment when it has been verified that funds are not available from other sources. *Id.*, p. 19. When processed, Bridges sends a DHS-1605, Client Notice, informing the client of the outcome of his/her DSS request. *Id.*, p. 7.

Vehicle insurance is limited to once in a client's lifetime. *Id.*, p. 19. DSS for vehicle insurance coverage is limited for the time period in which the client is establishing income to allow for their ongoing payment of the insurance, up to three months maximum. *Id.* If the client requires high-risk vehicle insurance that is higher than \$300 per month, limit the allowance for one month. *Id.*

MDHHS' Hearing Summary (Exhibit A, p. 1) contended that Petitioner is not entitled to ESS because she is not employed. MDHHS' contention is not persuasive for two reasons.

First, MDHHS policy allows for ESS, if needed, for a client to obtain employment. MDHHS presented no evidence of the reason for Petitioner's request though Petitioner testified that she needed insurance to return to previous employment. Petitioner's circumstances appear to comply with ESS requirements.

Secondly, Petitioner testified at the hearing that MDHHS has still not processed her request for DSS. MDHHS testimony acknowledged that written notice of ESS denial was never sent to Petitioner. Even if Petitioner is not entitled to receive ESS, Petitioner is entitled to receive notice of the outcome of her request for ESS. Given the evidence, MDHHS improperly failed to process Petitioner's request for ESS.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly failed to process Petitioner's ESS request for vehicle insurance. MDHHS is ordered to begin the following actions within 10 days of the date of mailing of this decision:

(1) Process Petitioner's ESS request for vehicle insurance from January 2019 subject to the finding that ESS may be approved for a client to obtain employment; and

(2) Mail written notice of the outcome to Petitioner.

The actions taken by MDHHS are **REVERSED**.

CG/jaf



Christian Gardocki

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

DHHS

Susan Noel
MDHHS-Wayne-19-Hearings

Petitioner

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