



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: April 5, 2021
MOAHR Docket No.: 21-000890
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 hearing was held via telephone conference line on March 25, 2021. Petitioner participated and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Candice Bennis, hearings facilitator.

ISSUE

The issue is whether MDHHS properly denied Petitioner's Direct Support Services (DSS) request for a vehicle purchase.

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 an unspecified date, Petitioner submitted documentation to MDHHS requesting a vehicle purchase.
2. At all relevant times, Petitioner was neither a refugee, pregnant, nor a caretaker to minor children.
3. On February 18, 2021, MDHHS denied Petitioner's vehicle purchase request because she did not meet the program's "family" requirements.
4. On [REDACTED], 2021, Petitioner requested a hearing to dispute the denial of vehicle purchase.

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 a denial of a vehicle purchase request. Exhibit A, p. 3. A Notice of Case Action dated February 18, 2021, stated that Petitioner was denied due to not meeting program requirements. Exhibit A, pp. 6-9. MDHHS testimony clarified that Petitioner did not meet the “family” requirements for a vehicle purchase.

DSS are goods and services provided to help families achieve self-sufficiency. BEM 232 (January 2020) p. 1. There is no entitlement for DSS. The decision to authorize DSS is within the discretion of MDHHS or PATH program. *Id.* DSS includes Employment Support Services (ESS) that directly correlates to removing an employment-related barrier. *Id.* ESS includes vehicle purchases. *Id.*

Clients may receive ESS from MDHHS or a Partnership, Accountability, Training, Hope (PATH) agency. Clients potentially eligible for ESS include the following: Family Independence Program (FIP) applicants or recipients, Child Development and Care (CDC) recipients, refugee family assistance recipients, FAP-families, and MA-families. *Id.*, pp. 2-5. FAP families are those that include a pregnant person, child under 18 years, or an 18-year-old child attending high school. *Id.*, p. 2.

FIP, CDC, refugee family assistance, MA-families, and FAP-family are programs requiring either pregnancy a dependent child, or refugee status. Throughout the processing of Petitioner’s vehicle purchase request, Petitioner was neither pregnant, a refugee, nor a caretaker of minor children. Petitioner’s only potential for ESS is as FAP-non-family. FAP non-families are groups without a child or pregnant person. *Id.*

FAP clients who are not applicants or recipients of FIP and do not qualify for DSS (i.e., FAP non-families) may be eligible for the FAP employment and training (E&T) reimbursement. *Id.*, p. 5. The purpose of reimbursements is to provide support services to FAP clients who are in self-initiated job search or self-initiated community service, not related to meeting Time Limited Food Assistance (TLFA) work requirements. *Id.* E&T reimbursement services may not be provided to any client for the purpose of support services related to a job, regardless of whether the job is in exchange for money, goods or services.¹ *Id.* The following type of support services may be provided at a combined maximum of \$50 each month:

- Transportation/travel (for non-TLFA participation).
- Interview clothing for job interviews.
- Personal safety items (for example, safety glasses and welding glass for the purpose of the education/training program assigned by PATH).

¹ Petitioner may not be eligible for E&T reimbursements because she is employed.

- Books or training manuals.
- Tools (e.g., mechanic's tools for the purpose of the education/training program assigned by PATH).
- Other necessary preparatory items.


Notably, a vehicle purchase is not among the ESS available to FAP non-families under E&T reimbursement. As Petitioner is a FAP-non-family recipient ineligible for vehicle purchases, MDHHS properly denied Petitioner's vehicle purchase request due to program ineligibility.²

² Petitioner testified that she is disabled for purposes of Supplemental Security Income (SSI) eligibility; however, she is employed and does not receive SSI cash benefits. Petitioner also testified that she is assigned to an agency resembling PATH. Petitioner would be wise to contact her assigned agency to learn if she is eligible for a vehicle purchase through there.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner's request for vehicle purchase. The actions taken by MDHHS are **AFFIRMED**.

CG/tm



Christian Gardocki
Administrative Law Judge
for Elizabeth Hertel, 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-Wayne-41-Hearings
D. Sweeney
BSC4
MOAHR

Petitioner – Via First-Class Mail:

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