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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: April 18, 2022
MOAHR Docket No.: 22-000924
Agency No.: ██████████
Petitioner: ██████████ ██████████

ADMINISTRATIVE LAW JUDGE: Danielle Nuccio

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 April 13, 2022. The Petitioner appeared and represented herself. The Department of Health and Human Services (MDHHS) was represented by Makala Williams, Eligibility Specialist.

ISSUE

Did MDHHS properly deny Petitioner's application for State Emergency Relief (SER)?

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 ██████████ 2022, MDHHS received a SER application from Petitioner (Exhibit A, pp. 5-9). On this application, Petitioner did not indicate the service that she was requesting (Exhibit A, p. 7), but wrote that she was applying for \$██████████ in assistance with vehicle repairs (Exhibit A, p. 9).
2. MDHHS informed Petitioner that if she is requesting assistance with vehicle repairs, she must follow certain criteria to obtain Direct Support Services (DSS). MDHHS sent to Petitioner the required documentation that she must submit (Exhibit A, pp. 10-13).
3. On March 1, 2022, MDHHS received a timely submitted hearing request from Petitioner disputing the denial of her request for vehicle repair assistance (Exhibit A, p. 3).

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).

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

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 disputes MDHHS' denial of her SER application for assistance with vehicle repair.

State Emergency Relief (SER) prevents serious harm to individuals and families. SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. SER applicants must have an emergency which threatens health or safety and can be resolved through issuance of SER. ERM 101 (March 2013), p. 1. MDHHS testified that Petitioner submitted a SER application to request vehicle repairs; however, vehicle repairs are not assistance that is provided through the SER program. Therefore, MDHHS acted in accordance with policy in denying Petitioner's SER application.

MDHHS notified Petitioner that applying for SER is not the proper avenue to seek assistance with vehicle repairs. Vehicle repairs can be issued through the Direct Support Services (DSS) program. MDHHS assists families to achieve self-sufficiency. MDHHS and Partnership. Accountability. Training. Hope. (PATH) provides DSS to help families become self-sufficient. BEM 232 (January 2020), p. 1. MDHHS may provide funds for vehicle repairs for vehicles that are the primary means of transportation for employment-related activities. Before authorizing a major vehicle repair, MDHHS must ensure the following conditions are met: (i) an eligible group member owns the vehicle; (ii) the client requesting the service has a valid driver's license; and (iii) the repair is expected to make the vehicle safe and roadworthy including new tires, batteries, etc. BEM 232, p. 16. There is no entitlement for DSS; the decision to authorize DSS is within the discretion of MDHHS. BEM 232, p 1.

In this case, Petitioner confirmed that the only document that she submitted to MDHHS was the SER application. MDHHS notified Petitioner that in order to receive DSS assistance with vehicle repairs, certain criteria must be met. MDHHS mailed to Petitioner the MDHHS-5945 Vehicle Repair Information document (see Exhibit A, p. 11).

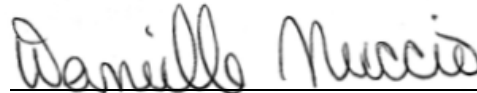
Petitioner did not submit any of this information to MDHHS as required in order to be considered for DSS. As the decision whether to grant DSS funds for vehicle repair is within MDHHS' discretion, MDHHS' decision will be upheld so long it did not constitute an abuse of that discretion. In this case, there was no abuse of discretion. MDHHS did not authorize assistance with Petitioner's vehicle repairs because Petitioner did not provide the required documentation in order to be considered to receive DSS. As such, MDHHS' decision to deny Petitioner's DSS application is affirmed.

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 MDHHS acted in accordance with Department policy when it denied Petitioner's SER application.

DECISION AND ORDER

Accordingly, MDHHS' decision is **AFFIRMED**.

DN/mp



Danielle Nuccio
Administrative Law Judge

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

Email Recipients:

MDHHS-Wayne-17-hearings
E. Holzhausen
D. Sweeney
MOAHR
T. Bair
BSC4

First-Class Mail Recipient:

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