



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]
[REDACTED], MI [REDACTED]

Date Mailed: May 3, 2022
MOAHR Docket No.: 22-001384
Agency No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 28, 2022, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Juan Amaya, FIS. Rocio Slogar, ES also appeared for the Department Exhibit 1, pp. 1-68 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's Direct Support Services (DSS) request because the cost of the repair exceeded the value of the vehicle?

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 February 22, 2022, Petitioner requested DSS for vehicle repair.
2. On March 2, 2022, Petitioner request for DSS for vehicle repair was denied because the cost of the repair exceeded the value of the vehicle.
3. On March 22, 2022, Petitioner requested hearing disputing the denial of DSS.
4. The cost of the vehicle repair for Petitioner's car was \$4,600.
5. The trade in value for Petitioner's car was \$3,102. (Ex.1, p.58)

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.

Vehicle Repair

FIP, CDC, MA Family, FAP Family

Authorize vehicle repairs for each participant for a vehicle that is the primary means of transportation for employment-related activities, even if public transit is available. The total MDHHS/PATH program cost of repairs may not exceed \$900 including any repairs done in the previous 12 months. Clients may contribute any amount over \$900 prior to MDHHS payment. BEM 232

Vehicle Repair or Purchase

Verify that the cost of the vehicle or repairs will not exceed the vehicle's retail value. Acceptable verifications are a written statement from, or phone call to, a vehicle dealer or via the NADA Appraisal Guide on the MDHHS-Net, internet sites. [The NADA Appraisal Guide for Older Cars may be purchased from ESS funds.]

For vehicle repair, verify that the repair is expected to make the vehicle safe and roadworthy. The client requesting the service has a valid driver's license. If the client requesting the service does not have a valid driver's license but has someone else use their vehicle to drive them, document the name of the person driving the vehicle. Verify a valid driver's license for the individual that will be operating the vehicle.

Verify the length of lease agreements when a vehicle repair is approved. BEM 232

In this case, Petitioner requested DSS for vehicle repair assistance. The Department used the trade in value to determine an estimate of \$3,100 for Petitioner's vehicle based on NADA value. (Ex.1, p.58) The cost of the repair was \$4,600. Since the cost of the repair exceeded the value of the vehicle, the request was denied. BEM 232


Petitioner argued at hearing that the correct estimate for her vehicle was \$7,400 based on the Kelly blue book value for clean retail condition. The Department used the NADA value based on Department policy.

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 Petitioner's DSS request for car repair because the cost of the repair exceeded the value of the vehicle.

DECISION AND ORDER

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

AM/nr



Aaron McClintic
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

DHHS

Renee Olian
427 E Alcott St
Kalamazoo, MI 49001

Kalamazoo County DHHS- via electronic
mail

BSC3- via electronic mail

T. Bair- via electronic mail

E. Holzhausen- via electronic mail

Petitioner

██████████ - via first class mail

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