



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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██████████, MI ██████████

Date Mailed: January 24, 2023
MOAHR Docket No.: 22-005982
Agency No.: ██████████
Petitioner: ██████████ ██████████

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on January 19, 2023, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Susan Derseweh.

ISSUE

Did the Department of Health and Human Services (Department) properly deny 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 ██████████ ██████████ the Department received Petitioner's application for assistance requesting assistance with purchasing an automobile so that she would maintain employment.
2. On November 17, 2022, the Department notified Petitioner that it had denied her application for Direct Support Services (DSS).
3. On December 14, 2022, the Department received Petitioner's request for a hearing protesting the denial of Direct Support Services (DSS).

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).

Michigan Department of Health and Human Services (MDHHS) assists families to achieve self-sufficiency. Goods and services provided to help families achieve self-sufficiency DSS include transportation, special clothing, tools, physical exams, vehicle purchases, vehicle insurance and vehicle repair. There is no entitlement for DSS. The decision to authorize DSS is within the discretion of the MDHHS or PATH program, based on local office funding. Department of Health and Human Services Bridges Eligibility Manual (BEM) 232 (October 1, 2022), p 1.

On October 3, 2022, the Petitioner requested assistance with the purchase of an automobile. On November 17, 2022, the Department notified Petitioner that it had denied her request.

Petitioner argues that she had initiated her request before a recent determination that no applications for DSS assistance would be processed and that the Department had incorrectly determined that she had previously been granted assistance with the purchase of an automobile.

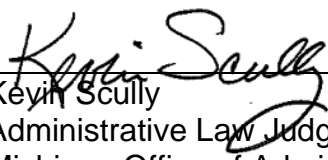
Although the Department failed to offer any evidence that Petitioner received assistance with the purchase of an automobile in the past, there is no entitlement to this type of assistance. The Department is not obligated to grant assistance with automobile purchases regardless of how many times she has applied for it, and it will only provide such assistance when there is sufficient funding.

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 request for assistance with the purchase of an automobile.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings
and Rules (MOAHR)

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-Electronic Mail :

DHHS
Susan Derseweh
Genesee County DHHS Clio Rd Dist.
4809 Clio Road
Flint, MI 48504
**MDHHS-Genesee-Clio-
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Interested Parties
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BSC2
H. Norfleet
D. Sweeney
G. Vail
MOAHR

Via-First Class Mail :

Petitioner
[REDACTED]
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