



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: February 7, 2023
MOAHR Docket No.: 22-006186
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 hearing was held via telephone conference line on February 1, 2023. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Laronda McKenzie, supervisor, and Tamara Golson, specialist.

ISSUE

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

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 April 28, 2022, Petitioner submitted documentation to MDHHS requesting a vehicle repair.
2. On June 2, 2022, MDHHS approved Petitioner for \$████████ towards a vehicle repair and \$████████ for taxes.
3. On December 15, 2022, Petitioner requested a hearing disputing the absence of vehicle repair payment.
4. As of December 15, 2022, Petitioner had not yet completed the vehicle repair and had not yet submitted a bill to MDHHS.

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. DSS policies are contained in the Bridges Administrative Manual (BAM), and Bridges Eligibility Manual (BEM).

Petitioner requested a hearing to dispute an unpaid DSS request for a vehicle repair. Exhibit A, pp. 3-5. MDHHS testimony indicated that Petitioner applied for DSS on April 28, 2022. A Notice of Case Action dated June 2, 2022, verified that MDHHS approved Petitioner for \$[REDACTED] plus \$[REDACTED] for taxes.¹ Exhibit A, pp. 7-13. Though Petitioner's DSS request was approved, it remained unpaid as of the date of hearing.

DSS are goods and services provided to help families achieve self-sufficiency. BEM 232 (October 2022) p. 1. DSS includes Employment Support Services (ESS) and Family Support Services (FSS). *Id.* ESS includes vehicle repairs. *Id.*

To process ESS approvals, MDHHS is to use its database, Bridges, to complete the MDHHS-5602, Payment Voucher. *Id.*, p. 7. This will record the payments on Bridges and also track services that have time and payment limits. *Id.* All Bridges entries must be input prior to sending the MDHHS-5602 to the accounting unit for payment. *Id.* At this time, Bridges does not process DSS payments. *Id.* MDHHS is to continue to enter payments through SIGMA. *Id.* The accounting office is to follow instructions outlined on the MDHHS-5602 completed by the specialist. *Id.*

MDHHS testimony indicated that vehicle repair payment could not be issued until repair services were performed.² MDHHS presented an email thread from October 2022 between Petitioner's MDHHS office and accounting office staff. Exhibit A, pp. 15-17. According to MDHHS's accounting office, Petitioner must submit a receipt showing that repairs were performed and then payment is issued. Petitioner's testimony acknowledged that she had not yet submitted a vehicle repair receipt and that repairs have not yet been performed.

MDHHS policy appears to neither confirm nor refute the need for a receipt before vehicle repair payment could be sent. In lieu of specific policy, deference will be given to MDHHS emails from its accounting office stating that a receipt is required. Given the evidence, MDHHS properly did not issue payment for Petitioner's requested vehicle repair due to the repair not being performed and/or a receipt not being submitted.

¹ Petitioner submitted an estimate for repairs verifying an expected cost of repair matching the approved amounts. Exhibit A, p. 18.

² During the hearing, a supervisor testified she called an unspecified accounting office staff member for assurance on how vehicle repairs are processed. The supervisor further testified that she was told that MDHHS does not pay for vehicle repairs. The statement was not considered to be reliable as it directly contradicts MDHHS policy which authorizes payment for vehicle repairs.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly did not yet issue payment for Petitioner's request for vehicle repair. The actions taken by MDHHS are **AFFIRMED**.

CG/mp



Christian Gardocki
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

Via-Electronic Mail :

DHHS
MDHHS-Wayne-76-Hearings
D. Sweeney
MOAHR
BSC4

Via-First Class Mail :

Petitioner
[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]