



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] MI [REDACTED]

Date Mailed: April 27, 2023  
MOAHR Docket No.: 23-000802  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie**

### **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 March 29, 2023. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Kristina Warner, Hearing Facilitator (HF). The Department submitted Department Exhibit, pgs. 1-41, which were admitted and made a part of the record.

### **ISSUE**

Did the Department properly deny the Petitioner's Direct Support Services (DSS) for assistance with car 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. The Petitioner was a recipient of Food Assistance Program (FAP) benefits with a household group composition of one, which makes her categorically ineligible for DSS, which is for families at the County level discretion.
2. On October 31, 2022, the Department received an unsigned DHS 3043 from the Petitioner.
3. On November 30, 2022, the Department Caseworker sent the Petitioner a car repair checklist.
4. On January 5, 2023, the Department was advised to send a DSS denial by the ALJ during the FAP hearing even though the Petitioner never submitted the car repair checklist, and she is not categorically eligible for DSS as a single person.

5. On February 2, 2023, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605, for an October 31, 2022, DSS application for vehicle repair due to the group not meeting the program requirements for the service request to meet the “family” criteria from BEM 232.
6. On February 16, 2023, the Department received a hearing request from the Petitioner, contesting the Department’s negative action.

### **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.

In this case, the Petitioner was a recipient of Food Assistance Program (FAP) benefits with a household group composition of one, which makes her categorically ineligible for DSS, which is for families at the County level discretion. On October 31, 2022, the Department received an unsigned DHS 3043 from the Petitioner. On November 30, 2022, the Department Caseworker sent the Petitioner a car repair checklist.

On January 5, 2023, the Department was advised to send a DSS denial by the ALJ during the FAP hearing even though the Petitioner never submitted the car repair checklist, and she is not categorically eligible for DSS as a single person. On February 2, 2023, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605, for an October 31, 2022, DSS application for vehicle repair due to the group not meeting the program requirements for the service request to meet the “family” criteria from BEM 232. On February 16, 2023, the Department received a hearing request from the Petitioner, contesting the Department’s negative action. BEM 232.

### **BEM 202**

#### **FAP Family and FAP Non-Family**

For purposes of this item, a distinction is made between FAP-Family and FAP-Non-Family.

FAP Non-Family is an eligible group that does not include a child under age 18 or a pregnant person.

A FAP Family is an eligible group that includes a pregnant person, a child under age 18, or a child aged 18 who is in high school full time.

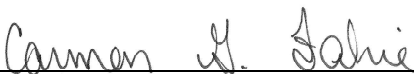
During the hearing, the HF stated that the Petitioner is not eligible for DSS benefits because she is a household group composition of one. DSS is for families as cited in policy in BEM 202. The Petitioner is not eligible for DSS benefits for her car repair.

**DECISION AND ORDER**

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 determined that the Petitioner was not eligible for DSS benefits for car repair because she was a household composition of one and not a “family” as required to be a recipient of DSS benefits.

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

CF/ml

  
\_\_\_\_\_  
**Carmen G. Fahie**  
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 Electronic Mail :**

**DHHS**  
Tamara Little  
Jackson County DHS  
301 E. Louis Glick Hwy.  
Jackson, MI 49201  
**MDHHS-Jackson-Hearings@michigan.gov**

**Interested Parties**  
BSC4  
D Sweeney  
MOAHR

**Via First Class Mail :**

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