



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: April 7, 2023
MOAHR Docket No.: 23-001201
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 April 5, 2023. Petitioner participated and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Latora Giles, supervisor.

ISSUE

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

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 January 9, 2023, Petitioner submitted documentation to MDHHS requesting a vehicle purchase.
2. As of February 17, 2023, MDHHS had no funding for a vehicle purchase.
3. On March 6, 2023, MDHHS denied Petitioner's vehicle purchase due to a lack of funding.
4. On March 6, 2023, Petitioner requested a hearing to dispute the denial of vehicle purchase.

CONCLUSIONS OF LAW

Direct Support Services (DSS) is established by the Social Welfare Act, MCL 400.1-.119b. The program is administered by MDHS pursuant to MCL 400.10 and 400.57a and Mich Admin Code R 400.3603. FAP policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute the denial of a vehicle purchase request. Exhibit A, pp. 3-4. A Notice of Case Action dated March 6, 2023, stated that Petitioner was denied due to a lack of funding.¹ Exhibit A, pp. 8-9.

DSS are goods and services provided to help families achieve self-sufficiency. BEM 232 (October 2022) p. 1. DSS includes Employment Support Services (ESS) that directly correlates to removing an employment-related barrier.² *Id.* Vehicle purchases fall under ESS. *Id.*

There is no entitlement for DSS. *Id.* The decision to authorize DSS is within the discretion of the MDHHS or the Partnership, Accountability, Training, Hope (PATH) program, based on local office funding. *Id.*

Petitioner credibly testified that she submitted documentation to MDHHS on January 9, 2023, related to a vehicle purchase.³ As of February 17, 2023, Petitioner's vehicle purchase remained unprocessed. On February 17, 2023, an MDHHS district manager sent an email stating that DSS funds were exhausted and not available. Exhibit B, pp. 1-2. An email from the district manager dated March 5, 2023, again stated that DSS funds were not available. Exhibit C, p. 1. The evidence established that DSS funds were not available when MDHHS denied Petitioner's vehicle purchase request on March 6, 2023..

During the hearing, Petitioner understandably questioned why MDHHS delayed processing her DSS request. If MDHHS had requested needed documents from Petitioner sooner, DSS might have approved Petitioner before DSS funding was exhausted. Petitioner also expressed frustration in being told by her specialist that proof of a copayment of \$1,189 was needed to process the DSS request. Petitioner testified that she paid \$1,189 to the vehicle seller and now cannot get her payment returned.⁴

¹ The notice additionally stated that Petitioner failed to meet the program's requirements. There was no evidence that Petitioner did not meet the requirements for a vehicle purchase.

² DSS also includes Family Support Services (FSS).

³ Petitioner's testimony implied she contacted MDHHS even sooner. MDHHS testified it first received vehicle purchase documents from Petitioner on February 10, 2023.

⁴ For this very reason, MDHHS should not require proof of copayment before DSS approval. At most, MDHHS should request proof of an ability to make a copayment (i.e., verification that copayment funds are available).

Though Petitioner gave valid reasons for being frustrated, ultimately, the lack of DSS funding renders the denial of the vehicle purchase to be correct.⁵ Thus, MDHHS properly denied Petitioner's vehicle purchase request.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner's request for vehicle purchase. 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

⁵ Due to the unpolished methods in processing Petitioner's DSS request, MDHHS is encouraged to prioritize reprocessing Petitioner's request when DSS funding becomes available.

