



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: July 28, 2023  
MOAHR Docket No.: 23-003540  
Agency No.: [REDACTED]  
Petitioner: [REDACTED] [REDACTED]

**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 July 26, 2023, from Lansing, Michigan.

Petitioner represented herself. A representative for the Department did not call in to the teleconference line as directed on the Notice of Hearing. Petitioner's motion was granted pursuant to Section 78(2) of the APA.

### **ISSUE**

Did the Department of Health and Human Services (Department) properly process Petitioner's Direct Support Services (DSS) application?

### **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, 2023, the Department requested Direct Support Services (DSS).
2. Petitioner provided the Department with numerous documents associated with her Direct Support Application (DSS) from April 26, 2023, through May 25, 2023.
3. On June 28, 2023, the Department received Petitioner's request for a hearing protesting the processing of her Direct Support Services (DSS) application.

### **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.

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department will provide an administrative hearing to review the decision and determine the appropriateness. The Michigan Office of Administrative Hearings and Rules (MOAHR) may grant a hearing for any of the following:

- Denial of an application and/or supplemental payments.
- Reduction in the amount of program benefits or service.
- Suspension or termination of program benefits or service.
- Restrictions under which benefits, or services are provided.
- Delay of any action beyond standards of promptness.
- For FAP only, the current level of benefits or denial of expedited service.

Department of Human Services Bridges Administrative Manual (BAM) 600 (March 1, 2021), p 5.

The Department is required to process applications as quickly as possible, with priority to the earliest application date. Department of Health and Human Services Bridges Administrative Manual (BAM) 115 (January 1, 2023), p 15.

On [REDACTED] [REDACTED] 2023, Petitioner filed a request for DSS assistance to purchase a vehicle to be used as per primary means of transportation for employment. No evidence was presented on the record that this application was processed within a reasonable standard of promptness. Petitioner is entitled to a hearing under BAM 600 for a delay of any action beyond the standard of promptness.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner's request for Direct Support Services (DSS).

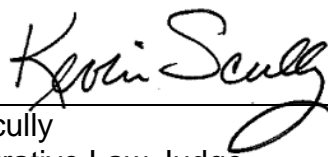
**DECISION AND ORDER**

Accordingly, the Department's decision is REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

Reprocess Petitioner's request for Direct Support Services (DSS) and initiate a determination of the Petitioner's eligibility for assistance.

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**

Vivian Worden  
Macomb County DHHS Mt. Clemens  
Dist.  
44777 Gratiot  
Clinton Township, MI 48036  
**MDHHS-Macomb-12-  
Hearings@michigan.gov**

**Interested Parties**

Macomb 12 County DHHS  
BSC4  
J. McLaughlin  
T. Bair  
MOAHR

**Via-First Class Mail :**

**Petitioner**

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