



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
DIRECTOR



Date Mailed: March 11, 2024
MOAHR Docket No.: 24-000276
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Caralyce M. Lassner

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 by telephone on March 4, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Jamila Goods, Eligibility Specialist.

ISSUE

Did the Department properly deny Petitioner's request for Direct Support Services (DSS) vehicle purchase assistance?

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 [REDACTED] 2023, Petitioner submitted an application for DSS assistance for the purchase of a vehicle with vehicle purchase information, application for title and registration, statement of vehicle sale, and Temporary Assistance for Needy Families (TANF) eligibility determination. (Exhibit A, p. 1).
2. Petitioner is not pregnant and does not have any minor children.
3. On December 28, 2023, the Department sent Petitioner a Notice of Case Action (NOCA) denying Petitioner's request due to failure to meet the program requirements. (Exhibit A, pp. 4 – 5).

4. On January 9, 2024, the Department received Petitioner's request for hearing disputing the denial of her DSS application. (Exhibit A, p. 3).

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.

Petitioner submitted an application for DSS to the Department on [REDACTED] 2023 for assistance to purchase a vehicle. (Exhibit A, p. 1). The Department processed Petitioner's request and determined that Petitioner was not eligible for DSS assistance for the purchase of a vehicle.

The Department assists families to achieve self sufficiency and provides DSS assistance which includes Employment Support Services (ESS), and Family Support Services (FSS). BEM 232 (October 1, 2023), p. 1. ESS helps provide goods or services needed to access employment, such as vehicle purchases, car insurance and car repairs. BEM 232, p. 1. One of the services the Department may provide is up to \$5,000 for the purchase of a vehicle to be used as a participant's primary means of transportation for work or employment-related activities. BEM 232, p. 16. To be considered eligible, a participant must be a recipient of Family Independence Program (FIP), Child Development and Care (CDC), Medicaid (MA) Family, or Food Assistance Program (FAP) Family services. BEM 232, p 16.

Under Michigan's Social Welfare Act, MCL 400.1 et seq., a family is (i) a household with a child and a parent, stepparent, or adult caretaker of a child, (ii) a pregnant woman, or (iii) a parent of a child in foster care. MCL 400.57(d). Additionally, Department policy specifically provides that FIP and CDC are programs limited to qualified individuals with minor children. BEM 100 (April 2023), pp. 1, 5. 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. BEM 232, p. 2. Because DSS benefits are limited to recipients of CDC, FIP or FAP with minor children or pregnant persons and family is statutorily defined as a household with a child or pregnant person, it follows that, as used in BEM 232, an MA Family is a group with a minor child or a pregnant woman. See MCL 400.57(d).

The decision to allocate DSS is within the discretion of the Department, or the PATH program based on local office funding, and thus, there is no entitlement for DSS. BEM 232, p. 1.

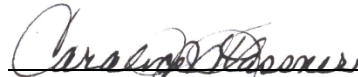
In this case, Petitioner testified that she is a single individual with no minor children and she is not pregnant. As such, she is not a recipient of FIP, CDC, MA Family, or FAP Family assistance and Petitioner does not qualify for the vehicle purchase assistance program through the Department. The Department properly denied Petitioner's application.

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 application for vehicle purchase assistance.

DECISION AND ORDER

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

CML/ml



Caralyce M. Lassner
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
Susan Noel
Wayne-Inkster-DHHS
26355 Michigan Ave
Inkster, MI 48141
MDHHS-Wayne-19-Hearings@michigan.gov

Interested Parties
BSC4
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Via First Class Mail:

Petitioner
[REDACTED]
MI [REDACTED]