



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

[REDACTED]  
MI [REDACTED]

Date Mailed: May 10, 2024  
MOAHR Docket No.: 24-001963  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun**

### **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 May 7, 2024, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Mita Bhatia, Case Manager.

### **ISSUE**

Did the Department properly deny Petitioner's request for Direct Support Services (DSS) assistance with 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 or around [REDACTED] 2023, Petitioner requested DSS assistance with a vehicle purchase. On or around November 7, 2023, the Department denied this request as the vehicle price exceeded the retail value.
2. On or around [REDACTED] 2023, Petitioner submitted a second request for DSS assistance with a vehicle purchase. Petitioner sought to purchase a 2012 [REDACTED] [REDACTED] from [REDACTED] and [REDACTED].
3. In connection with her [REDACTED], 2023, request, Petitioner submitted registration and proof of insurance for a 2010 [REDACTED] vehicle that she owned. Petitioner also submitted an RD 108 (Application for Michigan Title & Registration) for the purchase of the 2012 [REDACTED] which indicated that Petitioner would be transferring the license plate from the 2010 [REDACTED] to the 2012 [REDACTED].

4. The Department conducted an interview with Petitioner inquiring about the 2010 [REDACTED] and Petitioner reported that she no longer has the vehicle as it was broken down. Petitioner reported that somebody picked up the vehicle for parts, but she could not provide a receipt, only a letter indicating that she no longer owns the vehicle.
5. On or around [REDACTED] 2023, Petitioner submitted a third request for DSS assistance with a vehicle purchase, again seeking to purchase a 2012 [REDACTED] [REDACTED] from [REDACTED] and [REDACTED]
6. The Department made a collateral contact with [REDACTED] and [REDACTED] and spoke with [REDACTED] ([REDACTED]), the representative who Petitioner informed the Department she was working with to purchase the vehicle. [REDACTED] informed the Department that the company does not own and has never owned a 2012 [REDACTED] and that he does not know Petitioner.
7. On or around January 16, 2024, the Department completed a Secretary of State clearance and discovered that on [REDACTED], 2023, Petitioner transferred the 2010 [REDACTED] to [REDACTED] who had the same address as Petitioner. The Department contacted Petitioner to inquire about this transfer and Petitioner's phone disconnected during the call.
8. On or around January 17, 2024, the Department sent Petitioner a Notice of Case Action advising that Petitioner's [REDACTED], 2023, and [REDACTED] 2023, requests for DSS assistance with vehicle purchase were denied. The Department determined that Petitioner failed to provide information needed to evaluate Petitioner's eligibility for DSS assistance. (Exhibit A, pp. 6-7)
9. On or around February 22, 2024, Petitioner requested a hearing disputing the Department actions with respect to the DSS applications. Petitioner included a copy of the January 17, 2024, Notice of Case Action. (Exhibit A, pp. 4-5)

### **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 requested a hearing disputing the Department's denial of her request for DSS assistance with a vehicle purchase. While it was established that Petitioner submitted three applications for DSS assistance ([REDACTED], 2023, [REDACTED] 2023, and

██████████ 2023), there was no evidence that Petitioner disputed the denial of her ██████████, 2023, application, as Petitioner only included the January 17, 2024, Notice of Case Action with her request for hearing. Additionally, Petitioner did not assert during the hearing that she disputed the denial of this request, and her testimony indicated that she understood the reason for the denial of the first application as she was unaware of the policies regarding vehicle price and vehicle value. The hearing proceeded with respect to the denial of Petitioner's ██████████ 2023, and ██████████, 2023, requests for DSS assistance, both of which appear to have been denied for the same reasons.

DSS are goods and services provided to help families achieve self-sufficiency and include Employment Support Service (ESS) which allow for assistance with vehicle purchase. BEM 232 (October 2023), p. 1. There is no entitlement for DSS and the decision to authorize DSS is within the discretion of the Department, based on local office funding. BEM 232, p. 1. The Department may authorize ESS for vehicle repair only to clients currently being served by the Department and applicants or recipients of Family Independence Program (FIP), Child Development Care (CDC), Medical Assistance (MA) and Food Assistance Program (FAP) benefits. BEM 232, pp.1-4. The Department may authorize up to \$5,000 to purchase, not lease, a vehicle to be used as a participant's primary means of transportation for work or employment-related activities. Vehicle purchase is limited to once in a client's lifetime. Additional eligibility criteria for authorization of assistance with vehicle purchase are outlined in BEM 232, at pp. 16-17. The Department will send a notice informing the client of the outcome of the DSS request. BEM 232, p.7.

In this case, the Department denied Petitioner's requests for DSS assistance because she failed to provide accurate information on the 2010 ██████████ vehicle that she owned and subsequently transferred title to. Additionally, based on information obtained from the Department's collateral contact with a representative from ██████████ and ██████████, there was no 2012 ██████████ available for Petitioner to purchase. The Department representative asserted that information regarding the 2010 ██████████ was needed because a client is ineligible for DSS assistance with purchasing a vehicle if there is already a vehicle available in the household for Petitioner's use. At the hearing, Petitioner confirmed that she requested assistance with purchasing a 2012 ██████████ from ██████████ and ██████████. Petitioner testified that she got the employee's name wrong and that she mistakenly told the Department his name was ██████████ when it was really ██████████. Petitioner indicated that she did not have any contact with an employee named ██████████ at the car dealership. With respect to the 2010 ██████████, Petitioner testified that ██████████ is her adult daughter and confirmed that Ms. ██████████ address is the same as Petitioner's. Petitioner testified that the 2010 ██████████ is broken down and was not running or usable. Petitioner confirmed that she transferred the title/registration to the 2010 ██████████ to her daughter and that her daughter's friend was going to sell it for parts. Petitioner asserted that she did not sell the vehicle.

Notwithstanding Petitioner's explanation at the hearing, based on the information available to the Department at the time the requests for DSS assistance were submitted


and because the decision to authorize DSS is within the discretion of the Department, the Department properly processed and denied Petitioner's applications for DSS assistance.

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 request for DSS assistance with vehicle purchase.

**DECISION AND ORDER**

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

ZB/ml

  
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**Zainab A. Baydoun**  
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**  
Yvonne Hill  
Oakland County DHHS Madison Heights Dist.  
30755 Montpelier Drive  
Madison Heights, MI 48071  
**MDHHS-Oakland-DistrictII-Hearings@michigan.gov**

**Via First Class Mail:**

**Interested Parties**  
BSC4  
B Cabanaw  
N Denson-Sogbaka  
MOAHR

**Petitioner**

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