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: May 10, 2024 MOAHR Docket No.: 24-001963

Agency No.:
Petitioner:

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.

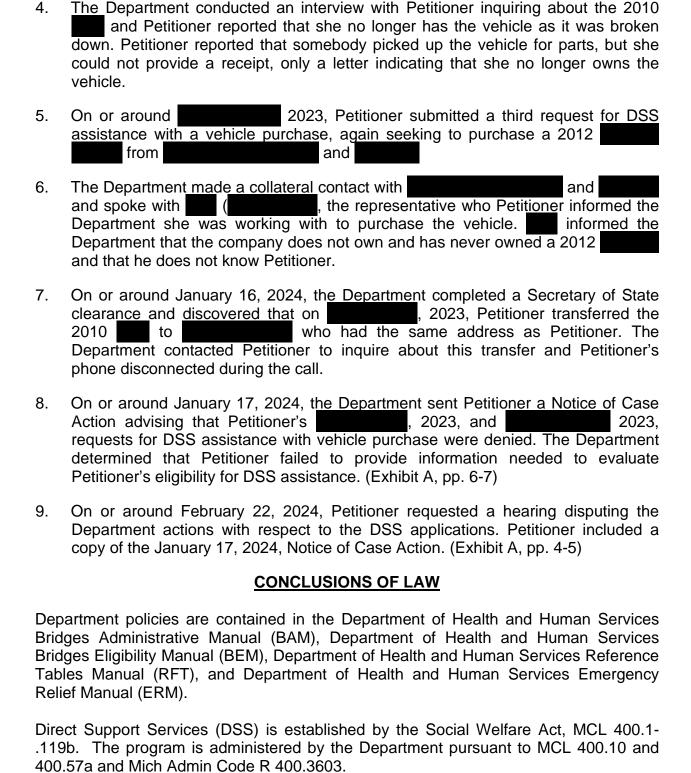
ISSUE

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 vehicle purchase. On or arrequest as the vehicle price	2023, Petitioner requested DSS assistance with a bund November 7, 2023, the Department denied this exceeded the retail value.
2.		2023, Petitioner submitted a second request for DSS rchase. Petitioner sought to purchase a 2012 and
3.	submitted an RD 108 (Appurchase of the 2012	, 2023, request, Petitioner submitted registration a 2010 vehicle that she owned. Petitioner also oplication for Michigan Title & Registration) for the which indicated that Petitioner would be a from the 2010 to the 2012



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

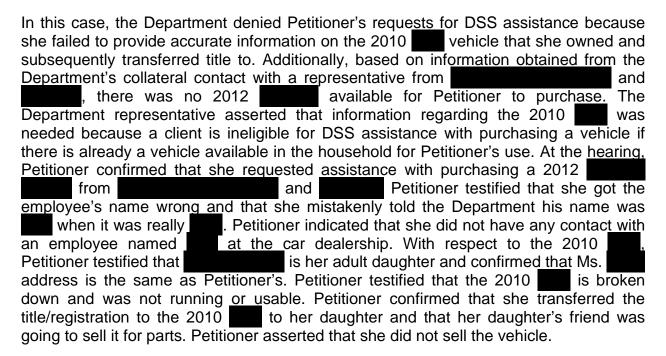
, 2023,

2023, and

three applications for DSS assistance (

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.



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

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

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MOAHR

