



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: July 19, 2024
MOAHR Docket No.: 24-005565
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 June 20, 2024, from Lansing, Michigan. [REDACTED] [REDACTED] the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Melissa Stanley, Hearing Facilitator (HF).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-11.

ISSUE

Did the Department properly determine Petitioner's eligibility for Direct Support Services (DSS)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner applied for DSS for vehicle repair.
2. Secretary of State Records show that Petitioner owns a 2000 Chevrolet Impala and a 2012 Buick Enclave. (Exhibit A, pp. 6-7)
3. On April 24, 2024, a Notice of Case Action was issued to Petitioner denying the request for DSS vehicle repair because Petitioner owns more than one vehicle. (Exhibit A, pp. 8-11)

4. On April 30, 2024, Petitioner filed a hearing request contesting the Department's determination. (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.

There is no entitlement for DSS. The decision to authorize DSS is within the discretion of the MDHHS or PATH program, based on local office funding. BEM 232, October 1, 2023, p. 1.

DSS includes employment support services, such as vehicle repair. BEM 232, October 1, 2023, pp. 1 and 15-16.

The Vehicle Repair Information lists criteria for this type of assistance, which include that the vehicle is the individual's primary means of transportation for employment related activities and that the individual does not have another vehicle that they can use. (Exhibit A, p. 5).

In this case, Petitioner applied for DSS for vehicle repair. Secretary of State Records show that Petitioner owns a 2000 Chevrolet Impala and a 2012 Buick Enclave. (Exhibit A, pp. 6-7). Accordingly, on April 24, 2024, a Notice of Case Action was issued to Petitioner denying the request for DSS vehicle repair because Petitioner owns more than one vehicle. (Exhibit A, pp. 8-11).

Petitioner testified that she does not actually own two vehicles because one was junked. Petitioner has tried to do as the Department advised and have this corrected with Secretary of State. However, Petitioner has not been able to resolve this with the Secretary of State so she cannot reapply for DSS for vehicle repair. (Petitioner Testimony).

As noted above, there is no entitlement for DSS. The decision to authorize DSS is within the discretion of the MDHHS or PATH program, based on local office funding. BEM 232, October 1, 2023, p. 1. The Department criteria for DSS for vehicle repairs includes that the vehicle is the individual's primary means of transportation for employment related activities and that the individual does not have another vehicle that they can use. (Exhibit A, p. 5). At the time of the April 24, 2024 determination, the Secretary of State records showed that Petitioner owned a second vehicle.

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 determined Petitioner's eligibility for DSS.

DECISION AND ORDER

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



CL/nr

Colleen Lack
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

Elisa Daly
Saginaw County DHHS
411 East Genesee
Saginaw, MI 48607

MDHHS-Saginaw-Hearings@michigan.gov

Interested Parties

BSC2
N. Denson-Sogbaka
B. Cabanaw
MOAHR

Via-First Class Mail :

Petitioner

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