



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

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██████████, MI ██████████

Date Mailed: May 2, 2022
MOAHR Docket No.: 22-001186
Agency No.: ██████████
Petitioner: ██████████ ██████████ ██████████

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 April 28, 2022, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Kristina Tripp Hearing Facilitator. Department Exhibit 1, pp. 1-9 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's Direct Support Services (DSS) for car repair for lack of need?

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 ██████████ ██████████ ██████████ Petitioner requested DSS for a car repair.
2. On March 24, 2022, Petitioner's request for DSS for car repair was denied for lack of need.
3. Petitioner was not working at the time he requested DSS and did not have any minor children in his care.
4. On ██████████ ██████████ ██████████ Petitioner requested hearing disputing the denial of DSS.

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.

Vehicle Repair

FIP, CDC, MA Family, FAP Family

Authorize vehicle repairs for each participant for a vehicle that is the primary means of transportation for employment-related activities, even if public transit is available. The total MDHHS/PATH program cost of repairs may not exceed \$900 including any repairs done in the previous 12 months. Clients may contribute any amount over \$900 prior to MDHHS payment. BEM 232

In this case, Petitioner was not working and did not have minor children in his care at the time he applied for DSS for car repair. Department policy outlines that recipient of FIP, CDC, MA Family and FAP Family are potentially eligible for DSS. BEM 232 Petitioner was not a recipient of FIP, CDC, MA Family or FAP Family when he requested car repair assistance, therefore the Department denial of DSS was proper and correct and consistent with Department policy.

At hearing, Petitioner argued that he was being discriminated against because he was not a woman and did not have children in his care. Petitioner argued that he has a significant need for car repair to allow him to get to medical appointments and other obligations. Petitioner acknowledged that he was not working and does not have children in his care. The Department has limited resources for DSS and is permitted to set up parameters for eligibility.

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 DSS request for car repair for lack of need.

DECISION AND ORDER

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

AM/nr



Aaron McClintic
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

DHHS

Tamara Little
301 E. Louis Glick Hwy.
Jackson, MI 49201

Jackson County DHHS- via electronic mail

BSC4- via electronic mail

T. Bair- via electronic mail

E. Holzhausen- via electronic mail

Petitioner

[REDACTED] - via first class mail
[REDACTED]
[REDACTED], MI [REDACTED]