



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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Date Mailed: November 21, 2022
MOAHR Docket No.: 22-004780
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge (ALJ) 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 November 17, 2022, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was not present.

ISSUE

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

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 requested DSS benefits to purchase a new vehicle.
2. The Department denied Petitioner's request.
3. On ██████████ 2022, Petitioner submitted a request for hearing disputing the Department's actions.

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).

CDC

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

Petitioner requested a hearing disputing the Department's actions related to her CDC benefits. Specifically, Petitioner stated in her request for hearing, "my employment, education and training status has recently changed upon approval for my CDC providers. I was only approved █ hours and █ hours have always been needed for child receiving care." At the hearing, Petitioner conceded that the Department increased her approved hours to █ hours and corrected her benefits dating back to April 2022.

Per Department policy, the Michigan Office of Administrative Hearings and Rules may grant a hearing about any of the following: (i) denial of an application and/or supplemental payments; (ii) reduction in the amount of program benefits or service; (iii) suspension or termination of program benefits or service; (iv) restrictions under which benefits or services are provided; (v) delay of any action beyond standards of promptness; or (vi) for FAP only, the current level of benefits or denial of expedited service. BAM 600 (April 2018), p. 5. Petitioner indicated her CDC benefits were not corrected dating back to the year 2021. Petitioner's hearing request clearly indicates she was disputing the Department's actions regarding her recent benefit changes. Petitioner was repeatedly advised that the undersigned ALJ only has authority to address the issues for which she requested a hearing. Petitioner conceded that the issue for which she requested a hearing has been resolved by the Department. Petitioner's request for hearing is moot, as there is no justiciable issue. As such, the hearing request related to Petitioner's CDC benefits is, therefore, **DISMISSED** for lack of jurisdiction.

DSS

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.

In this case, Petitioner requested \$█ in DSS benefits for the purchase of a new vehicle. Petitioner conceded that the Department issued her \$█ in DSS benefits for the purchase of a vehicle in 2018.

The Department provides DSS benefits to help families become self-sufficient. BEM 232 (October 2022). The Department will 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. BEM 232, p. 16. Vehicle purchase is limited once in a client's lifetime. BEM 232, p. 16.

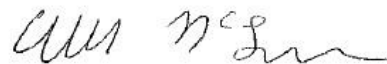
At the hearing, Petitioner argued that since the vehicle purchase cap had increased since she was approved in 2018, she was entitled to DSS benefits to meet the cap. Policy does not state that the \$5,000 cap is limited to a client's lifetime, but rather, a vehicle purchase is limited to a client's lifetime. Policy only allows one vehicle purchase in a client's lifetime. Petitioner has already received benefits to purchase a vehicle. Therefore, Petitioner is not eligible for DSS benefits for the purchase of a vehicle. Thus, the Department acted in accordance with policy when it denied Petitioner's request for DSS benefits.

DECISION AND ORDER

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

Petitioner's request for hearing related to her CDC benefits is **DISMISSED**.

EM/tm



Ellen McLemore
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
Caryn Jackson
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Interested Parties
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