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GOVERNOR

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

ORLENE HAWKS
DIRECTOR



Date Mailed: August 8, 2023
MOAHR Docket No.: 23-003469
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle Nuccio

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 July 19, 2023. The Petitioner appeared and represented herself. The Department of Health and Human Services (MDHHS) was represented by Martina Brown, Eligibility Specialist.

ISSUE

Did MDHHS properly deny Petitioner's application for Direct Support Services (DSS) for 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 [REDACTED] 2023, MDHHS received an application from Petitioner for DSS to purchase a motor vehicle. Petitioner indicated that she does not live with a child and is not pregnant. Petitioner stated that she is a family size of one and that her monthly income is less than \$[REDACTED] (Exhibit A, pp. 12-13).
2. On June 12, 2023, MDHHS issued a Notice of Case Action to Petitioner, informing her that her application was denied because she does not meet the program requirements for DSS vehicle purchase (Exhibit A, pp. 15-18).
3. On June 20, 2023, Petitioner submitted a hearing request to dispute the denial of her DSS application (Exhibit A, pp. 3-9).

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.

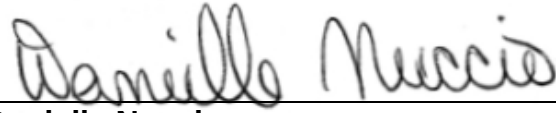
MDHHS assists families to achieve self-sufficiency. The primary avenue to self-sufficiency is employment. MDHHS and Partnership. Accountability. Training. Hope. (PATH) provides DSS to help families become self-sufficient. DSS goods and services may be provided to help families achieve self-sufficiency. DSS includes Employment Support Services (ESS) and Family Support Services (FSS) that directly correlates to removing an employment-related barrier. 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. ESS include, but are not limited to, transportation, special clothing, tools, physical exams, vehicle purchases, vehicle insurance and vehicle repair. ESS may be authorized by MDHHS or PATH program. FSS include classes and seminars, counseling services, and commodities. These services are provided to clients when the primary reason for providing a service is to remove an employment-related barrier preventing the client from participating in activities leading to self-sufficiency. Clients experiencing barriers directly tied to other services such as children's services or housing must be charged or funded by those funding sources. BEM 232 (October 2022), p. 1.

In this case, Petitioner submitted a DSS application in order to purchase a vehicle. Petitioner testified that she needs a vehicle so that she is able to independently attend doctor's appointments and other living activities. Petitioner's application was denied due to not meeting DSS program requirements. Petitioner confirmed that she does not live with a child and is not employed. DSS approval is within the discretion of the MDHHS or PATH program, based on local office funding. Petitioner does not meet the program requirements to qualify for potential DSS funds from MDHHS. Therefore, MDHHS acted in accordance with policy in denying Petitioner's DSS application. At the hearing, Petitioner was advised of other resources to consider that she may qualify for.

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 MDHHS acted in accordance with Department policy when it denied Petitioner's DSS application.

DECISION AND ORDER

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



DN/dm

Danielle Nuccio
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
Chelsea McCune
Macomb County DHHS Warren Dist.
MDHHS-Macomb-20-
Hearings@michigan.gov

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Via-First Class Mail :

