



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN DPA
DIRECTOR

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Date Mailed: April 19, 2024
MOAHR Docket No.: 24-002508
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 17, 2024. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Twianna Allen, Eligibility Specialist.

ISSUE

Did the Department properly deny or fail to process Petitioner's Direct Support Services (DSS) application?

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 January 17, 2024, Petitioner submitted documentation in support of her request for DSS purchase of a car.
2. On February 9, 2024, Petitioner submitted additional documentation in support of her request.
3. On February 20, 2024, the Department began processing Petitioner's request.
4. On February 28, 2024, the local office determined that there were no funds available for any additional DSS applications.
5. If funds become available, Petitioner's application will continue processing.

6. On March 8, 2024, the Department received Petitioner's request for hearing disputing the Department's failure to process her DSS application for a car purchase.

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.

In this case, the Department application was left pending because the DSS program does not have funds available for processing of Petitioner's application.

DSS are goods and services provided to help families achieve self-sufficiency. BEM 232 (October 2023), p. 1. There is no entitlement for DSS, the decision to authorize DSS is within the discretion of the MDHHS or the Partnership. Accountability Training. Hope. (PATH) program based on local office funding. *Id.* Employment Support Services (ESS), a subset of DSS, includes vehicles purchases, vehicle insurance, and vehicle repair among other things. *Id.* ESS are only available if no other resource is available; the family is applying for or receiving Child Development and Care (CDC), Medical Assistance (MA), or Food Assistance Program (FAP) benefits; and the CDC, MA, or FAP recipient did not receive DSS for more than four consecutive months. BEM 232, p. 4. Vehicle purchases are authorized up to \$5,000 for purchases only and not for leases. BEM 232, p. 16. Clients are permitted one DSS vehicle purchase-benefit once in a lifetime. *Id.* A vehicle may be purchased for a client who is not currently employed if the client:

- Has demonstrated an ability to maintain a job.
- Needs a vehicle to accept a verified job offer.
- Needs a vehicle to participate in family self-sufficiency activities that will prepare the client for employment.

BEM 232, p. 17. Vehicles may be purchased for currently employed clients if the client needs a vehicle to accept an offer of better employment, to retain current employment, and has demonstrated an ability to maintain a job. BEM 232, p. 16. In addition, public transportation cannot be reasonably available and the person can have no other means to reach the job site reliably. BEM 232, p. 17. The client must have the ability to afford payments associated with owning a vehicle, a valid Michigan driver's license, no other vehicle registered in their name, proper insurance for the vehicle to be purchased, and a vehicle inspection by a licensed mechanic. *Id.*

In this case, by the time all documentation was received by the Department and shortly after processing began, the local office's DSS funding was exhausted. Therefore, the Department's failure to complete the processing of Petitioner's DSS car purchase application is appropriate.

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 failed to process Petitioner's DSS application.

DECISION AND ORDER

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

AMTM/cc



Amanda M. T. Marler
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 :

Interested Parties

MDHHS-Wayne-15-Greydale-Hearings
BSC4-HearingDecisions
D. Sweeney
MOAHR

Via-First Class Mail :

Petitioner

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