



GRETCHEN WHITMER
GOVERNOR

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

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[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: January 28, 2025
MOAHR Docket No.: 24-012901
Agency No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED]

ADMINISTRATIVE LAW JUDGE: Linda Jordan

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 hearing was held on January 2, 2025, via teleconference. Petitioner appeared and represented himself. Marke Oates, Family Independence Manager, and Melissa Stanley, Hearings Facilitator, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department). MDHHS' Hearing Packet was admitted into evidence at the hearing as MDHHS Exhibit A, pp. 1-48. Petitioner's proposed exhibits were admitted into evidence as Petitioner's Exhibit 1, pp. 1-98.

Petitioner requested the hearing to dispute MDHHS' determinations regarding his State Emergency Relief (SER) and Direct Support Services (DSS) applications. At the hearing, Petitioner confirmed that his application for SER was approved and that there was no remaining outstanding issue on that matter. Petitioner requested to withdraw his hearing request on that issue. MDHHS had no objection and the hearing request regarding SER was withdrawn on the record.

Pursuant to the withdrawal, the matter regarding SER is **DISMISSED**.

ISSUE

Did MDHHS 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. On October 15, 2024, Petitioner requested DSS for assistance with the purchase of a vehicle (Exhibit A, p. 3).
2. On November 14, 2024, MDHHS sent Petitioner a Notice of Case Action indicating that the request for DSS was denied, effective November 14, 2024, due to affordability (Exhibit A, pp. 39-40).
3. On November 19, 2024, Petitioner filed a hearing request to dispute the denial of the request for DSS to fund a vehicle purchase (Exhibit A, pp. 5-6).

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. MDHHS and the Partnership. Accountability. Training. Hope. (PATH) program provide DSS to help families become self-sufficient. BEM 232 (October 2023), p. 1. DSS includes Employment Support Services (ESS) funding, which provides goods or services needed to access employment, such as vehicle purchases, car insurance and car repairs. *Id.* The decision to allocate DSS is within the discretion of MDHHS or the PATH program based on local office funding, and thus, there is no entitlement for DSS. *Id.*

In this case, MDHHS denied Petitioner's request for DSS assistance for the purchase of a vehicle because it determined that Petitioner did not meet the eligibility criteria for the program. Petitioner disputed MDHHS' determination.

MDHHS may authorize up to \$5000.00 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. A vehicle may be purchased for a currently employed client if the client needs a vehicle to accept a verified offer of a better job; or needs a vehicle to retain current employment; and has a demonstrated ability to maintain a job. *Id.*, p. 17. A vehicle may be purchased for a client who is not currently employed if the client (i) has a demonstrated ability to maintain a job; (ii) needs a vehicle to accept a verified job offer; or (iii) needs a vehicle to participate in family self-sufficiency activities that will prepare the client for employment. *Id.* In addition, MDHHS must ensure that public transportation is not reasonably available and the person has no other means to reach the job site reliably; the client has the ability to afford any payments, insurance and other expenses associated with owning the vehicle; the client has a valid Michigan driver's license; the client does not own an unusable vehicle, as confirmed by Secretary of State records; and the vehicle must be registered to an eligible group member and insured, at a minimum, for public liability and property damage (PLPD). *Id.*, p. 17.

Here, MDHHS denied Petitioner's request for DSS because it determined that vehicle ownership was not affordable for Petitioner. Regarding affordability, MDHHS must ensure that the client is able to afford the ongoing payments, insurance and other expenses associated with owning a vehicle. MDHHS testified that a vehicle purchase was not affordable for Petitioner because his sole source of income was Family Independence Program (FIP) funds, and he did not have any employment income. Petitioner did not dispute these circumstances and did not provide adequate testimony or evidence at the hearing to demonstrate that he would be able to afford the ongoing payments, including insurance payments, associated with owning a vehicle. MDHHS must verify that Petitioner can afford ongoing vehicle payments and expenses, and it could not do so in this case. Thus, it denied Petitioner's request for DSS, which was properly within its discretionary authority.

Additionally, MDHHS testified that it could not approve Petitioner for DSS because he was not employed and he had another vehicle registered in his name, as verified by Secretary of State records. However, MDHHS' decision in this case was based on affordability and not on these other eligibility criteria, and therefore, these issues were beyond the scope of this hearing.

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

DECISION AND ORDER

Pursuant to Petitioner's withdrawal, the matter regarding SER is **DISMISSED**.

Accordingly, MDHHS' decision regarding DSS is **AFFIRMED**.



LJ/nr

Linda Jordan
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
PO Box 5070
Saginaw, MI 48607
MDHHS-Saginaw-Hearings@michigan.gov

Interested Parties
BSC2
J. Mclaughlin
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B. Cabanaw
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Via-First Class Mail :

Petitioner
[REDACTED]
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