

**STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
FOR THE DEPARTMENT OF COMMUNITY HEALTH**

P.O. Box 30763, Lansing, MI 48909  
(877) 833-0870; Fax: (517) 373-4147

**IN THE MATTER OF:**

██████████,

Appellant.

**Docket No.** 2013-59505 HHS  
**Case No.** ██████████

**DECISION AND ORDER**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 42 CFR 431.200 *et seq.*, and upon the Appellant's request for a hearing.

After due notice, a hearing was held on ██████████. ██████████, a friend of Appellant's, appeared and testified on Appellant's behalf. Appellant also testified on his own behalf. ██████████, Appeals Review Officer, represented the Department of Community Health. ██████████, Adult Services Worker (ASW), and ██████████, Adult Services Supervisor, from the ██████████ DHS-██████████ office appeared as witnesses for the Department.

**ISSUE**

Did the Department properly deny Appellant's application for Home Help Services (HHS)?

**FINDINGS OF FACT**

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. On ██████████, Appellant was referred for HHS. (Respondent's Exhibit A, page 10).
2. ASW ██████████ was assigned to his application and, after due notice, she attempted to complete an assessment in Appellant's home on ██████████. (Respondent's Exhibit A, page 9).
3. However, she was unable to start any assessment because a hostile and aggressive man answered the door told her "Not today". She asked if he was Appellant, but he just asked her what she did not understand and told her to leave. (Respondent's Exhibit A, page 9; Testimony of ASW ██████████).
4. On ██████████, the Department sent written notice to Appellant indicating that his application for HHS was being denied because a home visit was attempted and the interview declined. (Respondent's Exhibit A, pages 5-8).

5. On ██████████, the Michigan Administrative Hearing System (MAHS) received a Request for Hearing with respect to that denial. (Respondent's Exhibit A, page 3).
6. A hearing in this matter was held by telephone on ██████████.
7. Appellant, his representative and ASW ██████████ were at the same location for the hearing. After meeting them in person, ASW ██████████ testified that the man who answered the door was neither Appellant nor Appellant's representative. (Testimony of ASW ██████████).

### **CONCLUSIONS OF LAW**

The Medical Assistance Program is established pursuant to Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). It is administered in accordance with state statute, the Social Welfare Act, the Administrative Code, and the State Plan under Title XIX of the Social Security Act Medical Assistance Program.

Home Help Services (HHS) are provided to enable functionally limited individuals to live independently and receive care in the least restrictive, preferred settings. These activities must be certified by a physician and may be provided by individuals or by private or public agencies.

Adult Services Manual 120 (5-1-2012) (hereinafter "ASM 120") addresses how HHS are assessed. For example, ASM 120, page 1 of 5, states in part:

#### **INTRODUCTION**

The DHS-324, Adult Services Comprehensive Assessment is the primary tool for determining need for services. The comprehensive assessment must be completed on all open independent living services cases. ASCAP, the automated workload management system, provides the format for the comprehensive assessment and all information must be entered on the computer program.

#### **Requirements**

Requirements for the comprehensive assessment include, but are not limited to:

- A comprehensive assessment will be completed on all new cases.
- A face-to-face contact is required with the client in his/her place of residence.

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- The assessment may also include an interview with the individual who will be providing home help services . . .

Here, ASW ██████████ testified that she issued the denial notice and closed out Appellant's case because she was unable to complete the required home visit/assessment after a loud and aggressive man answered the door; told her that no assessment would be conducted that day; and told her to leave.

In response, Appellant and his representative testified that Appellant lives with a number of other people and that it must have been one of them who denied access to ASW ██████████ and told her to leave. ASW ██████████ also confirmed during the hearing that, now that she has met them, she knows that the man who answered the door was neither Appellant nor Appellant's representative.

Nevertheless, the above policy is clear that such an assessment must take place before HHS services can be authorized and no such assessment was completed in this case. Additionally, this Administrative Law Judge finds ASW ██████████' testimony to be credible regarding what occurred and why the required assessment was not completed. Based on that testimony, it appears that the Department took the proper steps in addressing Appellant's application and, when it was unable to complete the comprehensive assessment process, the Department properly denied his application. While this Administrative Law Judge appreciates that it was not Appellant who declined the interview, he was properly notified of the home visit and it is his responsibility to ensure that the ASW can access the home and complete the assessment.

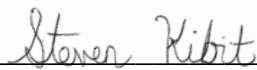
As discussed during the hearing, Appellant may re-apply for HHS at any time.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department properly denied Appellant's request for HHS.

**IT IS THEREFORE ORDERED THAT:**

The Department's decision is **AFFIRMED**.



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Steven Kibit  
Administrative Law Judge  
for James K. Haveman, Director  
Michigan Department of Community Health

██████████  
Date Signed: 9/26/2013

Date Mailed: 9/26/2013

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CC:



**\*\*\* NOTICE \*\*\***

The Michigan Administrative Hearing System may order a rehearing on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. The Michigan Administrative Hearing System will not order a rehearing on the Department's motion where the final decision or rehearing cannot be implemented within 90 days of the filing of the original request. The Appellant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt of the rehearing decision.