

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:

Docket No. 14-017791-HHS

██████████

██████████

██████████

Appellant

_____ /

DECISION AND ORDER

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

After due notice, a hearing was held on ██████████. Appellant and her friend, ██████████ appeared as witnesses for Appellant. ██████████ Appeals Review Officer; ██████████ Department of Human Services (DHS) Adult Services Specialist; and ██████████, Adult Services Specialist, appeared and testified as witnesses for the Department of Community Health (DCH or the Department).

ISSUE

Did the Department properly propose to terminate the Appellant's 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. Appellant is a HHS benefit recipient.
2. Appellant has been diagnosed with Hepatitis B and C; depression, cirrhosis, edentulous, Chronic Obstructive Pulmonary Disease and Acid reflux.
3. On ██████████, the department sent Appellant a Negative Action Notice informing her that home help services would be terminated as the Department learned that Appellant had been acting as a chore provider for another individual and the Department no longer believed that Appellant continued to have need for Independent Living Services (ILS).
4. On ██████████, appellant filed a request for a hearing to contest the Department's negative action.

5. On [REDACTED], the hearing was held. At the hearing, the department determined that the negative action should be deleted and Appellant's HHS be reinstated effective [REDACTED]
6. Appellant agreed with the decision to reinstate her HHS benefits.

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.

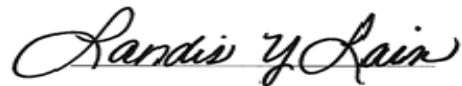
In the instant case, the Department Reversed its decision to cancel Appellant's HHS and reinstated them effective [REDACTED]. Appellant agreed.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department appropriately REVERSED its decision to cancel the Appellant's HHS case based on the available information.

IT IS THEREFORE ORDERED THAT:

The Department's decision to reverse and reinstate Appellant's HHS case to [REDACTED] is AFFIRMED.



Landis Y. Lain
Administrative Law Judge
for Nick Lyon, Director
Michigan Department of Community Health

Date Signed: [REDACTED]

Date Mailed: [REDACTED]

[REDACTED]
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LYL/db

cc:

[REDACTED]

***** 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.