

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
FOR THE DEPARTMENT OF COMMUNITY HEALTH
P.O. Box 30763, Lansing, MI 48909
Phone: (517) 335-3997; Fax: (517) 373-4147

IN THE MATTER OF:

██████████,
Appellant
_____ /

CASE INFORMATION

Docket No.: 15-000687-HHS
Case No.: ██████████
Appellant:
██████████
Respondent:
Department Community Health
██████████

HEARING INFORMATION

Hearing Date: March 19, 2015
Start Time: 01:30 PM
Location
In Person at Agency Office
Oakman Adult Services
Oakman Adult Services
3040 W. Grand Blvd., Suite L450
Detroit, MI 48202

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 Appellant's request for a hearing. After due notice, a telephone hearing was held on March 19, 2015, from Detroit, Michigan. Participants included the above-named Appellant. Patricia Heard, Appellant's mother and home help services provider, testified on behalf of Appellant. Participants on behalf of the Department of Human Services (DHS) included ██████████, supervisor, ██████████, specialist, and ██████████, appeals review officer.

ISSUE

The issue is whether DHS issued a home help services (HHS) payment to Appellant's provider for the month of 11/2014.

FINDINGS OF FACT

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

1. Appellant was an ongoing HHS recipient.

2. On ██████████, DHS mailed a HHS check to Appellant for 11/2014 HHS.
3. On ██████████, DHS mailed Appellant an Advance Negative Action Notice informing Appellant of a suspension in HHS payments due to an alleged failure to submit provider logs.
4. On ██████████, Appellant's provider requested a hearing to dispute the proposed suspension of HHS payments and to dispute an alleged failure by DHS to issue 11/2014 HHS payment.

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. DHS policies regulating the MA program are contained in the Adult Services Manual.

Home help services are non-specialized personal care service activities provided under the independent living services program to persons who meet eligibility requirements. Home help services are provided to enable individuals with functional limitation(s), resulting from a medical or physical disability or cognitive impairment to live independently and receive care in the least restrictive, preferred settings. Home help services are defined as those tasks which the department is paying for through Title XIX (Medicaid) funds.

Appellant requested a hearing after she received a letter informing Appellant of a proposed suspension in HHS payments due to a failure to provide provider logs. DHS responded that Appellant's HHS eligibility was never suspended despite the notice mailed to Appellant stating otherwise. Appellant conceded that DHS issued all HHS provider payments except for 11/2014.

DHS contended that Appellant's 11/2014 provider payment was issued. DHS presented evidence to support their contention.

DHS presented a Payment Authorization History (Exhibit 1). The document listed a begin date of ██████████ and an end date of ██████████. DHS provided additional testimony that other coding on the document verified that Appellant's HHS eligibility never stopped. DHS also presented testimony that the issuance of a suspension letter does not necessarily mean that Appellant's HHS payments were suspended. The DHS testimony was fairly credible.

DHS also presented a document titled "DCH Payroll" (Exhibit 2). The document indicated that a warrant dated ██████████ for \$310.73 was issued for service dates of ██████████. The document also noted that the warrant's disposition status was "paid".

The DHS documentation was highly compelling evidence that DHS issued payment to Appellant for 11/2014 HHS eligibility. It is theoretically possible that Appellant's check was stolen by an unknown third party. During the hearing, DHS provided Appellant with information on reporting a claim of a stolen check.

[REDACTED]
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Decision and Order

Based on presented evidence, it is found that DHS did not suspend Appellant's HHS eligibility. It is further found that DHS properly issued Appellant's payment for 11/2014 HHS services.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly issued Appellant's 11/2014 HHS eligibility payment on [REDACTED]. The actions taken by DHS are **AFFIRMED**.

Christian Gardocki

Christian Gardocki
Administrative Law Judge
for Director, Nick Lyon
Michigan Department of Community Health

Date Mailed: 3/27/2015

Date Mailed: 3/27/2015

CG/ hw

cc:

[REDACTED]

***** NOTICE *****

The Appellant may request a rehearing or reconsideration, or appeal the Dismissal Order to Circuit Court within 30 days of the receipt of the Order