

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES**

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

IN THE MATTER OF:

██████████,

Appellant

Docket No. 15-015692 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.*, upon the Appellant's request for a hearing.

After due notice, a hearing was held on ██████████

Appellant personally appeared and testified.

██████████ ██████████ Appeals Review Officer, represented the Department. ██████████ ██████████ Adult Services Supervisor, (ASS) appeared as a witness for the Department.

ISSUE

Did the Department properly close the Appellant's Home Help Services ("HHS") case?

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 ██████████ who is a beneficiary of the Medicaid and the HHS programs.
2. On ██████████ Appellant applied (was referred) to the HHS program.
3. On ██████████ the Department made a scheduled home visit. Appellant was not at home. (Exhibit A.9).
4. On ██████████ the Department issued an advance negative action notice to terminate Appellant's case. (Exhibit A.8-9).
5. The Department testified that Appellant's case was never opened and never closed in ██████████ ██████████

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6. In ██████████, the Department reviewed Appellant's case. After a review, the Department determined that Appellant has been living in a half-way house. On ██████████ the Department issued a notice of closure on the grounds that Appellant did not reside in independent housing. (Exhibit A.5-7).
7. Unrefuted evidence is that there has not been any activity on Appellant's case since the initial ██████████ referral. (Testimony).
8. On ██████████ the Appellant's Request for Hearing was received by the Michigan Administrative hearing System. (Exhibit A.4).

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.

The Adult Services Manual (ASM) addresses eligibility for Home Help Services:

ASM 101 discusses Available Services. This item states that the HHS program is available only to individuals who are residing within their home or the household of another. ASM 101, p 1.

ASM 170 contains policy on Case Closure. That item indicates that the HHS payments may be "terminated and closed" in a number of circumstances. Applicable to the case here, the Department cited: "The client no longer wishes to receive home help services." ASM 170, page 1 of 3, Effective 5-1-2013.

At an administrative hearing, Appellant bears the burden of proof to establish eligibility.

Here, unrefuted evidence is that Appellant does not in an independent living arrangement. Under ASM 101, there is no eligibility.

In addition, the facts here indicate that there has no activity on Appellant's case; in fact, the Department has not formally opened Appellant's case. Thus, in the alternative, the Department would have been required to close Appellant's case under ASM 170 due to no activity.

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For these reasons and for the reasons stated above, the Department was required to close Appellant's case due to inactivity. The Department's closure is upheld.

Appellant understands that he can reapply.

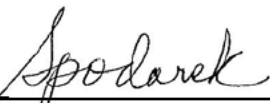
It is noted that there was no substantive review here regarding Appellant's medical eligibility.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the Department properly closed Appellant's HHS case based on the available evidence.

IT IS THEREFORE ORDERED that:

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



Janice Spodarek
Administrative Law Judge
for Nick Lyon, Director
Michigan Department of Health and Human
Services

cc:



Date Mailed:



***** 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.