

**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. 15-019423-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 appeared and testified. ██████████, Appeals Review Officer and ██████████, Adult Services Worker, appeared and testified as witnesses for the Department of Health and Human Services (DHHS or the Department).

ISSUE

Did the Department properly propose to suspend payment for 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. On ██████████, the Department sent Appellant an Advance Negative Action Notice informing her that HHS provider logs were missing for several months in ██████████ through ██████████ and that her HHS payments would be suspended effective ██████████.
3. On ██████████, Appellant filed a request for a hearing to contest the Department's negative action.
4. The Department received the provider logs, rescinded the negative action and reinstated payments to Appellant for HHS.
5. 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.

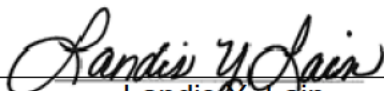
In the instant case, the Department Reversed its decision to suspend Appellant's HHS and reinstated the payments with no interruption of benefits. Appellant agreed.

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 suspend payment of 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 is **AFFIRMED.**




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

LYL [REDACTED]

cc: [REDACTED]

Date Signed: December 22, 2015

Date Mailed: December 23, 2015


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***** 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.