

GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

MI

Date Mailed: May 16, 2022
MOAHR Docket No.: 22-001467
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Corey Arendt

DECISION AND ORDER

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; 42 CFR 431.200 to 431.250; and 42 CFR 438.400 to 438.424, upon the Petitioner's request for a hearing.

After due notice, a hearing was held on May 10, 2022. [REDACTED], Petitioner's friend, appeared on behalf of the Petitioner. Emily Piggott, Appeals Review Officer, appeared on behalf of the Respondent, the Michigan Department of Health and Human Services (Department).

Exhibits:

| | |
|------------|---------------------|
| Petitioner | None |
| Department | A. Hearing Summary. |

ISSUE

Did the Department properly deny Petitioner's request for Home Help Services (HHS) benefits?

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 or around February 3, 2022, Petitioner requested HHS. (Exhibit (Ex) A, p 7.)
2. On February 9, 2022, the Department sent Petitioner forms that needed to be submitted to apply for program benefits. The forms included an application and a 54A Medical Needs form. One of the forms indicated the documents needed to be returned by March 2, 2022. (Ex) A, p 8; Testimony.)

3. On February 23, 2022, the Department received from Petitioner, an application for Adult Services. (Ex A, pp 9-10; Testimony.)
4. On March 9, 2022, the Department sent Petitioner a negative action notice indicating the medical needs form was not received by the due date and Petitioner's request for HHS was being denied. (Exhibit A, p 12; Testimony.)
5. On April 1, 2022, the Michigan Office of Administrative Hearings and Rules, received from Petitioner, a request for hearing.

CONCLUSIONS OF LAW

The Medical Assistance Program (MA) 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 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 health professional and may be provided by individuals or by private or public agencies.

Adult Services Manual (ASM) 110 addresses the referral process and provides the following:

The ASW must print the introduction letter, the DHS-390, Adult Services Application, and the DHS-54A, Medical Needs form located in the Forms module and mail to the client. The introduction letter allows the client 21-calendar days to return the documentation to the local office.¹

As described in the above policy, applicants are required to return the required paperwork within 21 calendar days from the date of their request.

In this case, the Department denied Petitioner's request for HHS benefits on the basis that Petitioner did not return the documents within 21 days of the forms being issued to Petitioner.

Petitioner did not present any direct evidence to rebut the Department's position other than it is hard to get medical appointments.

As a result, based upon the testimony provided and the documentation provided, I find the Department acted appropriately in denying the Petitioner's request for services.

Accordingly, the determination to deny Petitioner's requests for HHS benefits must be

¹ Adult Services Manual 110, Referral Process, June 1, 2020, p 2.

upheld. Petitioner can always reapply for HHS benefits.²

DECISION AND ORDER

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

IT IS, THEREFORE, ORDERED that:

The Department's decisions are **AFFIRMED**.

CA/dh

J. Arendt
Corey Arendt
Administrative Law Judge

² After the negative action notice at issue was issued and appealed, the Department did receive a 54A medical needs form. The Department however did not proceed with reopening the case because the returned form failed to certify a medical need for services.

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30763
Lansing, Michigan 48909-8139

DHHS -Dept Contact

Michelle Martin
Capitol Commons, 6th Floor
Lansing, MI 48909

DHHS

Elisa Daly
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Saginaw, MI 48607

DHHS Department Rep.

M. Carrier
MDHHS Appeals Section
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Authorized Hearing Rep.

[REDACTED]
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Agency Representative

Emily Piggott
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Petitioner

[REDACTED]
[REDACTED] MI [REDACTED]