



Date Mailed: March 17, 2025

Docket No.: 25-002569

Case No.: [REDACTED]

Petitioner: [REDACTED]

[REDACTED]
MI [REDACTED]

This is an important legal document. Please have someone translate the document.

هذه وثيقة قانونية مهمة. يرجى أن يكون هناك شخص ما يترجم المستند.

এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

Este es un documento legal importante. Por favor, que alguien traduzca el documento.

这是一份重要的法律文件。请让别人翻译文件。

Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

DECISION AND ORDER

This matter is before the Michigan Office of Administrative Hearings and Rules (MOAHR) and the undersigned Administrative Law Judge (ALJ) pursuant to MCL 400.9 and 42 CFR 431.200 *et seq.*, and upon a request for a hearing filed by Petitioner [REDACTED] (Petitioner).

After due notice, a telephone hearing was held on March 5, 2025. Petitioner appeared and testified on her own behalf. Lana Karadsheh, Appeals Review Officer, represented the Respondent Department of Health and Human Services (DHHS or Department). Jocelyn Murphy, Program Services Supervisor, testified as a witness for the Department.

During the hearing, the Department submitted an evidence packet that was admitted into the record without objection as Exhibit A, pages 1-69. No other proposed exhibits were submitted.

ISSUE

Did the Department properly deny Petitioner's request for 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. On November 25, 2024, Petitioner was referred for HHS through the Department. (Exhibit A, page 10).
2. On December 26, 2024, Adult Services Worker (ASW) Jeanna Balkcom, completed a comprehensive assessment with Petitioner in Petitioner's home. (Exhibit A, page 12).
3. During that assessment, Petitioner reported that she was married, but that she and her husband stopped living together four years ago. (Exhibit A, page 12; Testimony of Petitioner).
4. Petitioner also showed the ASW current identification for her husband where the husband's address was different than Petitioner. (Exhibit A, page 12; Testimony of Petitioner).
5. On January 2, 2025, the ASW spoke with Petitioner's husband over the telephone, with Petitioner's husband reporting that he did not live with Petitioner, but did use Petitioner's address as his mailing address due to issues with people taking his mail where he lives. (Exhibit A, page 11).
6. That same day, the ASW searched the Department's Bridges system and found that Petitioner's husband was a Medicaid recipient who reported in October of 2024 that he lived in a home with Petitioner. (Exhibit A, pages 11, 15-16).
7. His address in the Bridges system was the same as Petitioner's address. (Exhibit A, pages 11, 15).
8. On January 3, 2025, the Department sent Petitioner written notice that her request for HHS was denied. (Exhibit A, pages 23-24).
9. With respect to the reason for the decision, the notice stated:

[Petitioner], this case will be denied as you are married AND according to your Medicaid case, your husband, Mr. [REDACTED] lives in the home. There is no medical needs form to confirm Mr. [REDACTED] inability to care for you, as you reported his physical address was not at your home. You can reapply at any time with your medical needs form, your husband's medical needs form and an accurate account of who lives in household.

Exhibit A, page 23

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10. On January 23, 2025, MOAHR received the request for hearing filed by Petitioner in this matter with respect to that decision. (Exhibit A, pages 7-9).

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 statutes, 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.

Regarding services available through the home help program, Adult Services Manual (ASM) 101 (4-1-2018) states in part:

Services not Covered by Home Help

Home help services must **not** be approved for the following:

* * *

- Services for which a responsible relative is **able** and **available** to provide (such as house cleaning, laundry or shopping). A responsible relative is defined as an individual's spouse or a parent of an unmarried child under age 18.

ASM 101, pages 4-5

Similarly, ASM 120 (5-1-2023) states in part:

Responsible Relatives

A responsible relative is defined as an individual's spouse or a parent of an unmarried child under the age of 18.

Activities of daily living (ADLs) may be approved when the responsible relative is **unavailable** or **unable** to provide these services.

Note: Unavailable means absence from the home for an extended period due to employment, school, or other legitimate reasons. The responsible relative must provide a work or school schedule to verify they are unavailable to provide care. **Unable** means the responsible person has disabilities of their own which prevent them from providing care. These disabilities must be documented and verified by a medical professional on the DHS-54A, Medical Needs, form.

Do **not** approve shopping, laundry, or light housecleaning when a responsible relative of the client resides in the home, **unless** they are unavailable or unable to provide these services. Document findings in the *Contacts* module in MiAIMS.

Example: Mrs. Smith needs Home Help services. Her spouse is employed and is out of the home Monday through Friday from 7a.m. to 7p.m. The ASW would not approve hours for shopping, laundry, or house cleaning as Mr. Smith is responsible for these tasks and is able to complete these tasks on the weekends.

ASM 120, pages 8-9

As discussed above, the Department denied Petitioner's request for HHS in this case pursuant to the above policies regarding responsible relatives.

In appealing that decision, Petitioner bears the burden of proving by a preponderance of evidence that the Department erred. Moreover, the undersigned ALJ is limited to reviewing the Department's decision in light of the information it had at the time it made the decision.

Given the record and applicable policies, Petitioner has failed to meet that burden of proof; and the Department's decision must, therefore, be affirmed.

As expressly provided above, HHS cannot be approved for services that a responsible relative, such as a spouse, is able and available to provide.

Here, it is undisputed that Petitioner is married. Moreover, while Petitioner testified that her husband is unavailable to provide care as they are separated and do not live together, she failed to sufficiently demonstrate that unavailability and the Department properly found that Petitioner's responsible relative is able and available to provide any needed care.

Specifically, while Petitioner provided an ID for her husband with a different address, and both she and her husband reported that they have not lived together for years, the record further demonstrates that Petitioner's husband continued to have the same address for Medicaid benefits and he expressly reported to his Medicaid worker that he lived with Petitioner the month prior to Petitioner's application in this case.

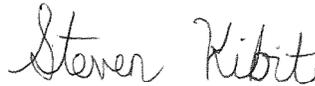
Petitioner also testified that, after the denial in this case, her husband has now changed his address; and, to the extent Petitioner has new or updated information to provide, she can always request HHS again in the future along with that information. With respect to the decision at issue in this case, however, the Department's decision must be affirmed given the available information and applicable policies.

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 request for HHS.

IT IS, THEREFORE, ORDERED that:

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



NULL

Administrative Law Judge

SK/sj

APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://rs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

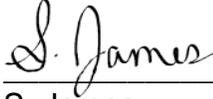
Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to LARA-MOAHR-DCH@michigan.gov, **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.

PROOF OF SERVICE

I certify that I served a copy of the foregoing document upon all parties, to their last known addresses in the manner specified below, this 17th day of March 2025.



S. James
**Michigan Office of Administrative
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