



Date Mailed: March 10, 2025

Docket No.: 25-003131

Case No.:

Petitioner:

[REDACTED]  
MI [REDACTED]

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

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

### 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 Petitioner's request for a hearing.

After due notice, a hearing was held on March 6, 2025. [REDACTED] Petitioner, appeared on her own behalf. Allison Pool, Appeals Review Officer, appeared on behalf of the Respondent, Michigan Department of Health and Human Services (Department). Genia Boynton, Adult Services Worker, appeared as a witness for the Department.

Exhibits:

Petitioner	None
Department	A – Hearing Summary

### ISSUE

Did the Department properly send a termination notice to Petitioner 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 or around April 6, 2021, Petitioner began receiving HHS. (Exhibit A.)

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2. On December 10, 2024, the Department sent Petitioner a home visit letter. The letter scheduled a home visit for January 15, 2025, between 9:00 AM and 2:00 PM. (Exhibit A; Testimony.)
  3. On January 15, 2025, the Department worker went to Petitioner's home for the home visit; but Petitioner was not present. (Exhibit A; Testimony.)
  4. On January 21, 2025, the Department sent Petitioner a Negative Action Notice. The notice indicated Petitioner's HHS was being terminated as a result of Petitioner not being present for the Home Assessment. (Exhibit A; Testimony.)
  5. On January 26, 2025, the Michigan Office of Administrative Hearings and Rules received from Petitioner, a request for hearing. (Exhibit A.)
  6. At all times relevant to this hearing, Petitioner owned a dog that barks all day. Petitioner cannot hear from the back room in her residence when the dog is barking. (Testimony.)

### **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:

#### **MDHHS-5534, ADULT SERVICES COMPREHENSIVE ASSESSMENT**

The ASW must conduct a face-to-face interview with the client in their home to assess the personal care needs...

... The ASW must, at a minimum, have a face-to-face interview with the client, prior to case opening, and then every six months in the client's home for the review.<sup>7</sup>

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<sup>7</sup> ASM 115 Adult Services Requirements, May 1, 2023, pp 4-5.

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## Termination of Home Help Payments

Home Help payments may be terminated and closing procedures initiated, in any of the following circumstances:

- The client fails to meet any of the eligibility requirements
  - Not Medicaid eligible.
  - Medical professional does not certify a need for services on the DHS-54A, Medical Needs, form.
  - Assessment determines client no longer requires Home Help services.
- The client no longer wishes to receive Home Help services.
- The client is receiving services from another program which would result in a duplication of services.<sup>8</sup>

Department policy requires a face-to-face assessment to be conducted prior to authorizing HHS and every 6 months thereafter. In this case, the assessment did not take place as scheduled; and the termination notice was sent as a result.

The petitioner argues she was present with her provider at all times during a nearly 5-hour window on the day of the assessment and further, does not recall the Department worker ever knocking on her door. Petitioner, however, did acknowledge having a dog that would bark all day due to people walking by, etc.

The Department worker testified to what she did on the day in question and the fact she did stop at Petitioner's residence around approximately 9:40 a.m. The worker acknowledged hearing a dog barking and knocking on the Petitioner's door.

In this matter, the Petitioner has the burden of showing that more likely than not the Department worker did not appear for the assessment on the day in question. And while both statements are directly opposite of one another, the one exception is Petitioner's dog and the barking from the dog. Further leaning things in favor of the Department is that Petitioner acknowledged it is hard to hear from the back room with the dog barking. Consequently, and as a result, the evidence presented I do not find that Petitioner has met their burden; and the Department's actions should be affirmed.

### **DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the Department did not err in denying Petitioner's HHS request.

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<sup>8</sup> Adult Services Manual, Case Closure, July 1, 2022, p 2.

IT IS THEREFORE ORDERED that:

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

  
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**COREY A. ARENDT**  
**ADMINISTRATIVE LAW JUDGE**

**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](https://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://irs.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 [MOAHR-BSD-Support@michigan.gov](mailto:MOAHR-BSD-Support@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.

Via First Class and  
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