



Date Mailed: March 24, 2025

Docket No.: 25-005111

Case No.: [REDACTED]

Petitioner: [REDACTED]

[REDACTED]  
MI [REDACTED]

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

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### 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 19, 2025. [REDACTED] Petitioner, appeared on her own behalf. Emily Piggott, Appeals Review Officer, appeared on behalf of the Respondent, the Michigan Department of Health and Human Services (Department). Judith Gilbert, Adult Services Supervisor, appeared as a witness for the Department.

#### Exhibits:

Petitioner	None
Department	A – Hearing Summary

### ISSUE

Did the Department properly suspend Petitioner's case for the Home Help Services (HHS) program?

### FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

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1. On or around July 16, 2015, Petitioner began receiving HHS. (Exhibit A, p 8.)
  2. On June 26, 2024, the Department met with Petitioner in Petitioner's home for a face-to-face assessment. Petitioner and Petitioner's provider participated in the assessment. During the visit, Petitioner indicated she lives alone; is separated from [REDACTED] but that they remain friends; and identified [REDACTED] as her emergency contact. Petitioner's Provider [REDACTED] indicated she was living in her grandmother's home.
  3. On June 26, 2024, the Department received an anonymous report that Petitioner was married and living with her spouse [REDACTED]. (Exhibit A, p 14; Testimony.)
  4. On June 26, 2024, the Department did a vital records search which revealed Petitioner as being married to [REDACTED] with a date of marriage March 18, 2016. (Exhibit A, pp 14-15; Testimony.)
  5. Following the vital records search, the Department contacted the [REDACTED] County Probate court and were informed there were no divorce records on file for Petitioner. (Exhibit A, p 14; Testimony.)
  6. On December 11, 2024, the Department met with Petitioner in Petitioner's home for a face-to-face assessment. During the assessment, the Petitioner denied anyone else living with her in the home. (Exhibit A, p 17; Testimony.)
  7. On January 16, 2025, the Department received Secretary of State drivers license and vehicle registration verifications for Petitioner [REDACTED] and [REDACTED]. The Secretary of State verifications indicated all three individuals resided at [REDACTED]. The verifications also indicated [REDACTED] had a vehicle registration registering a vehicle to the [REDACTED] address. (Exhibit A, pp 19-22; Testimony.)
  8. On January 31, 2025, the Department sent Petitioner an Advance Negative Action Notice. The notice provided the following as the reason for the action:

We have been made aware that you are currently married. This letter is to notify you that payments for your Home Help case will be suspended pending verifications that your spouse is living somewhere else or is unable to provide care due to disability/work/school. These verifications are due by 2/14/2025.<sup>7</sup>

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<sup>7</sup> Exhibit A, p 25.

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9. On February 11, 2025, the Michigan Office of Administrative Hearings and Rules received from Petitioner, a request for hearing. (Exhibit A, p 4.)
  10. On February 12, 2025, Petitioner provided the Department with a marriage separation agreement dated February 12, 2025, along with a standard lease agreement for [REDACTED] dated [REDACTED], 2017. (Exhibit A, pp 29-34; Testimony.)
  11. On February 12, 2025, the Department discussed the case with the Office of Inspector General and discovered [REDACTED] employer reported [REDACTED] as living at [REDACTED] (Exhibit A, p 28; Testimony.)
  12. A Rental Agreement dated January 19, 2023, for a ten-year lease at the address of [REDACTED] MI [REDACTED], is signed by both Petitioner and Phyllis Johnson. (Exhibit A, pp 35-40.)

### **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.

Adult Services Manual (ASM) 120, addresses responsible relatives:

#### ***Responsible Relatives***

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

Activities of daily living (ADL) 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

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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 general *Contacts* in MiAIMS.

**Example:** Mrs. Smith is in need of home help services. Her spouse is employed and is out of the home Monday thru 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.<sup>8</sup>

The Department presented substantial evidence indicating the Petitioner was married and residing with her spouse. This assertion was supported by multiple independent sources, including verification records from the Secretary of State, marriage documentation, a lease agreement dated January 19, 2023, and a report from [REDACTED] employer confirming that she resided at the same address as Petitioner.

In contrast, the Petitioner submitted a notarized separation agreement dated February 12, 2025, which claims the couple had been separated since April 3, 2017. Notably, this is the same date listed on a standard lease agreement for the property at 5020 E. O Ave. However, these documents are contradicted by more recent and verifiable evidence, including the 2023 lease agreement and updated records from the Secretary of State.

While the Petitioner acknowledges a prior separation, she stated that there was a subsequent attempt at reconciliation that ultimately failed. Despite this acknowledgement, the Petitioner failed to address or explain the more recent documentation – specifically the Secretary of State verifications and the January 19, 2023, lease agreement, which suggest continued cohabitation well after the alleged separation date.

Taken together, the weight of the Department's evidence along with the lack of any credible refutation by the Petitioner supports the conclusion that the Petitioner and her spouse were living together during the relevant period. Consequently, the Department's actions should be affirmed.

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<sup>8</sup> ASM 120, Adult Services Comprehensive Assessment, May 1, 2023, pp 7-8.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department properly suspended Petitioner's HHS case based on the information available at the time of the suspension notice.

**IT IS THEREFORE ORDERED THAT:**

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

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

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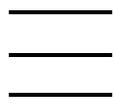
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**APPEAL RIGHTS:** Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at [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://lrs.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

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