



Date Mailed: July 29, 2025

Docket No.: 25-023115

Case No.: [REDACTED]

Petitioner: [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.

[REDACTED] MI [REDACTED]

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DECISION AND ORDER

On June 23, 2025, Petitioner [REDACTED] requested a hearing to dispute Medicaid services. As a result, a hearing was scheduled to be held on July 24, 2025. Medicaid services hearings are held pursuant to MCL 400.9 and 400.37; 42 CFR 431.200 to 431.250; 42 CFR 438.400 to 438.424; and Mich Admin Code, R 792.11002.

The parties appeared for the scheduled hearing. Petitioner appeared and represented herself. Respondent Michigan Department of Health and Human Services (Department) had Appeals Review Officer Florence Scott-Emuakpor appear as its representative. Respondent had two witnesses: Adult Services Specialist Gail Johnson and Adult Services Supervisor Anthony Clark. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 44-page packet of documents provided by the Department was admitted into evidence as Exhibit A.

ISSUE

Did the Department properly close Petitioner'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. Petitioner was an HHS recipient.
2. On February 11, 2025, Petitioner's provider contacted the Department to notify the Department that she was going to stop working for Petitioner as of February 28, 2025.
3. Petitioner has not had an approved provider since her provider stopped working for her on February 28, 2025.
4. On June 11, 2025, the Department mailed a negative action notice to Petitioner to notify her that her HHS was going to close effective June 25, 2025, because Petitioner did not have a provider.

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5. Petitioner requested a hearing to dispute the Department's decision to close her HHS.
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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.

In order to close an HHS case, the Department must first determine that the client does not meet the eligibility requirements, the client no longer wishes to receive services, or the client is receiving services from another program and HHS would be duplicative. ASM 170 (May 1, 2025), p. 2. In this case, the Department did not determine that Petitioner fell into one of the three categories for case closure before the Department initiated the closure of her HHS case. The Department determined that Petitioner did not have a provider, so the Department decided to close her HHS. The Department did not close Petitioner's HHS case in accordance with ASM 170. Therefore, the Department's decision to close Petitioner's HHS is reversed.

DECISION AND ORDER

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

IT IS ORDERED that the Department's decision is **REVERSED**. The Department must reinstate Petitioner's HHS. The Department must begin to implement this decision within 10 days of the mailing date of this decision and order.



JEFFREY KEMM
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. 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, **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.



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