



Date Mailed: December 4, 2025

Docket No.: 25-024973

Case No.: 0

Petitioner: [REDACTED]

[REDACTED]
[REDACTED]
[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.

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Petitioner: [REDACTED]

DECISION AND ORDER

On July 8, 2025, Petitioner [REDACTED] requested a hearing to dispute a Home Help Services (HHS) determination. The Michigan Department of Health and Human Services forwarded Petitioner's hearing request to the Michigan Office of Administrative Hearings and Rules (MOAHR) to schedule a hearing, and MOAHR scheduled a hearing to be held on August 21, 2025. MOAHR initially dismissed Petitioner's hearing request after Petitioner failed to appear for the hearing on August 21, 2025. However, MOAHR then discovered that it did not properly notify Petitioner of the August 21, 2025, hearing, so MOAHR vacated the dismissal and scheduled a hearing to be held on November 26, 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 Allison Pool appear as its representative. Respondent had one witness, Adult Services Worker Dewayne Slappy. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 33-page packet of documents provided by the Department was admitted into evidence as Exhibit A.

ISSUE

Did the Department properly determine Petitioner's Home Help Services (HHS) eligibility?

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 June 20, 2025, the Department issued a services approval notice to Petitioner to notify Petitioner that she was approved to receive 46 hours and 41 minutes of HHS per month, effective June 2, 2025.

2. The 46 hours and 41 minutes of HHS consisted of the following time and task:
 - a. Bathing: 16 minutes per day at 7 days per week for a total of 8 hours and 2 minutes per month.
 - b. Housework: 12 minutes per day at 7 days per week for a total of 6 hours and 1 minute per month.
 - c. Laundry: 43 minutes per day at 2 days per week for a total of 6 hours and 10 minutes per month.
 - d. Meal preparation: 40 minutes per day at 7 days per week for a total of 20 hours and 4 minutes per month.
 - e. Shopping for food/meds: 30 minutes per day at 2 days per week for a total of 4 hours and 18 minutes per month.
 - f. Travel for shopping: 26 minutes per day at 2 days per week for a total of 3 hours and 44 minutes per month.
3. On July 8, 2025, Petitioner requested a hearing. Petitioner stated a complaint about an adult services worker in her hearing request.

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 be eligible for HHS, an individual must have a need for services based on a comprehensive assessment indicating a need for hands-on assistance with at least one activity of daily living (ADL) or a need for complex care. ASM 120 (May 1, 2023), p. 3. Those activities known as ADL's are eating, toileting, bathing, grooming, dressing, transferring, and mobility. *Id.* at 2-3. Complex care includes care such as catheters, bowel programs, specialized skin care, suctioning, range of motion exercises, wound care, respiratory treatments, ventilators, and injections. *Id.* at 4-5.

The comprehensive assessment is the Department's primary tool for determining a client's need for services. *Id.* at 1. Although a medical professional may certify a client's need for services, it is the Department who determines whether there is a need for services through its comprehensive assessment. ASM 115 (May 1, 2023), p. 2. During the assessment, the Department documents a client's abilities and needs in order to determine the client's ability to perform activities. ASM 120 at 2.

The Department allocates time for each task that a client needs at least some human assistance with. ASM 120 at 5. The Department determines how much time to allocate to each task based on the interviews with the client and caregiver, observation of the client, and the reasonable time schedule. *Id.* A client is not automatically guaranteed the suggested allotted time allowed by the reasonable time schedule. *Id.* at 5-6. The adult services worker must assess each task according to the average time and frequency required for its completion. *Id.* at 6. This takes into consideration that the amount of assistance a client requires each day may vary. *Id.* The Department cannot approve HHS for tasks that do not require at least some human assistance, the Department cannot approve HHS for services provided for the benefit of people other than the client, and the Department cannot approve HHS in some other situations. ASM 101 (April 1, 2018), pp. 4-5.

In this case, Petitioner requested a hearing after the Department determined that Petitioner should be approved for 46 hours and 41 minutes of HHS per month. Petitioner did not present any evidence to establish that the Department did not properly determine the HHS time that Petitioner should be approved for. Accordingly, the Department's decision is affirmed.

Petitioner asserted that she had a complaint about an adult services worker, and Petitioner asserted that her HHS checks were stolen. Petitioner's complaint about the adult services worker must be addressed through the Department because an administrative law judge does not have authority to address a complaint about an employee. Mich Admin Code, R 792.11002(3). Petitioner may contact the adult services worker's supervisor to address her complaint. Likewise, Petitioner's stolen HHS checks must be addressed through law enforcement and the Department because an administrative law judge does not have authority to address stolen or missing HHS checks. Petitioner should contact the Department for assistance with her stolen HHS checks. If Petitioner's HHS checks were stolen and cashed, Petitioner should ask to complete an "affidavit claiming a forged endorsement on a state treasurer's warrant" (Treasury form 1354). ASM 160 (June 1, 2020), pp. 8-9. If Petitioner's HHS checks were stolen but not cashed, Petitioner should ask the Department to issue a stop payment on the check and issue a new check. *Id.* at 6-8.

DECISION AND ORDER

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

IT IS ORDERED that the Department's decision is **AFFIRMED**.



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://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 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.

Via Electronic Mail:

Agency/Department Representative
MDHHS APPEALS
PO BOX 30807
LANSING, MI 48909
MDHHS-APPEALS@MICHIGAN.GOV

Department Contact

MICHELLE MARTIN
MDHHS
400 S PINE ST 5TH
LANSING, MI 48933
**MDHHS-HOME-HELP-
POLICY@MICHIGAN.GOV**

Agency/Department Representative
SHERRY REID
MDHHS GREENVIEW ADULT
SERVICES
19340 GREENVIEW AVE STE 200
DETROIT, MI 48219
**MDHHS-WC-
MAHSHEARING@MICHIGAN.GOV**

Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]