



Date Mailed: September 23, 2025
Docket No.: 25-029041
Case No.: [REDACTED]
Petitioner: [REDACTED]



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

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Docket No.: 25-029041

Case No.: [REDACTED]

Petitioner: [REDACTED]

DECISION AND ORDER

On August 19, 2025, Petitioner [REDACTED] requested a hearing to dispute a Home Help Services (HHS) determination. As a result, a hearing was scheduled to be held on September 18, 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 James Lynch. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 21-page packet of documents provided by the Department was admitted into evidence as Exhibit A.

ISSUE

Did the Department properly suspend 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 is an HHS recipient.
2. In [REDACTED] 2025, Petitioner married her HHS provider, [REDACTED]
3. On July 9, 2025, an adult services worker met with Petitioner and her HHS provider at Petitioner's home to complete a periodic update of Petitioner's assessment. During the home visit, Petitioner and her HHS provider disclosed that they got married to each other in April 2025. The adult services worker determined

that Petitioner's spouse could not be paid to provide Petitioner's HHS, and the adult services worker discussed this with Petitioner and her HHS provider.

4. Petitioner did not obtain a new HHS provider.
5. On August 7, 2025, the Department mailed a negative action notice to Petitioner. The negative action notice informed Petitioner that her HHS was suspended effective August 21, 2025, because Petitioner had a spouse who was able and available to care for Petitioner, and Petitioner's spouse could not serve as Petitioner's paid caregiver.
6. Petitioner requested a hearing to dispute the Department's decision.

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.

When an HHS recipient has a responsible relative, HHS may only be authorized for the services or times when the responsible relative is unavailable or unable to provide care. ASM 130 (September 1, 2021), p. 2. A responsible relative includes an HHS recipient's spouse. *Id.* Unavailable means the responsible relative is absent from the home for an extended period of time due to employment, school, or other legitimate reasons. *Id.* Unable means the responsible relative has disabilities that are documented and verified by a medical professional that prevent her from providing care. *Id.*

In this case, Petitioner married her HHS provider. Petitioner's spouse is a responsible relative and cannot be paid to be Petitioner's HHS provider. Petitioner did not obtain a new HHS provider after she married her HHS provider, so Petitioner did not have an eligible HHS provider. Accordingly, the Department properly determined that Petitioner's HHS should be suspended. The Department suspended Petitioner's HHS in accordance with ASM 170, which requires the Department to suspend HHS when a client does not have an eligible HHS provider. ASM 170 (May 1, 2025), pp. 2-3.

DECISION AND ORDER

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

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://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 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 Electronic Mail:

Agency/Department Representative

ALLISON POOL
MDHHS APPEALS
PO BOX 30807
LANSING, MI 48909
POOLA@MICHIGAN.GOV

Agency/Department Representative

LIVINGSTON COUNTY DHHS
2300 E GRAND RIVER STE 1
HOWELL, MI 48843
MDHHS-LIVINGSTON-HEARINGS@MICHIGAN.GOV

Respondent

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

Via First Class Mail:

Petitioner

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