



**Date Mailed:** November 6, 2025  
**Docket No.:** 25-031572  
**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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Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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**Case No.:** [REDACTED]

**Petitioner:** [REDACTED]

### **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 November 5, 2025. [REDACTED] Petitioner appeared and testified on his own behalf. Allison Pool, Appeals Review Officer, appeared on behalf of Respondent, Michigan Department of Health and Human Services (MDHHS or Department). Clarence Hepburn, Adult Services Worker (ASW), and Norshell Mack, Adult Services Supervisor, appeared as witnesses for the Department.

### **ISSUE**

Did the Department properly deny Petitioner's application 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:

1. Petitioner is a Medicaid beneficiary, who applied for HHS on or about [REDACTED] 2025. (Exhibit A, p 10; Testimony)
2. Petitioner is diagnosed with schizoaffective disorder, major depressive disorder, cardiomyopathy, generalized anxiety disorder, spinal stenosis lumbar region, spinal stenosis cervical region, macular degeneration, neuropathy, chronic obstructive pulmonary disease (COPD), and herniated discs. (Exhibit A, p 11; Testimony)
3. On August 22, 2025, the ASW conducted an initial assessment in Petitioner's home. The ASW learned during the assessment that Petitioner is married and lives with his spouse, who is an able-bodied person. Petitioner's spouse was in the home for the assessment but the ASW did not speak to her or observe her. Petitioner also reported that he works part-time as a driver for [REDACTED] (Exhibit A, p 12; Testimony)

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4. Department policy states that HHS may not be authorized for services that a responsible relative, such as a spouse, is able and available to provide. (Adult Services Manual (ASM) 101, 4-1-18, pp 4-5)
  5. There was no 54A Medical Needs form in the Department's evidence packet. (Exhibit A)
  6. On August 7, 2025, the Department sent an Advance Negative Action Notice to Petitioner indicating that his HHS application would be denied because there was an able bodied responsible relative residing in the home with Petitioner and the ASW received no information that the spouse was unable or unavailable to care for Petitioner. (Exhibit A, p 9; Testimony)
  7. On September 8, 2025, Petitioner's Request for Hearing was received by the Michigan Office of Administrative Hearings and Rules. (Exhibit A, p 7)

### **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 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.

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ASM 101 lists services not covered by HHS:

Services not Covered by Home Help

Home help services must not be approved for the following:

\*\*\*\*

- Services for which a responsible relative is able and available to provide (such as house cleaning, laundry or shopping). A responsible relative is defined as an individual's spouse or parent of an unmarried child under the age of 18.

\*\*\*\*

*ASM 101  
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The ASW testified that on August 22, 2025, he conducted an initial assessment in Petitioner's home. The ASW indicated that he learned during the assessment that Petitioner is married and lives with his spouse, who is an able-bodied person. The ASW testified that Petitioner's spouse was in the home for the assessment but the ASW did

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not speak to her or observe her. The ASW also noted that Petitioner reported that he also worked part-time as a driver for D [REDACTED]. .

Petitioner testified that when he was asked if his wife was able-bodied, he was confused. Petitioner noted that his wife has her own health issues and is not the one assisting him – his son and daughter do. Petitioner indicated that he has shoulder and neck problems, he cannot stand for a long period of time or his leg goes numb, he has trouble putting clothes on as he cannot bend, he sometimes needs assistance getting out of the tub and he uses a bath chair in the shower. Petitioner admitted that he does drive part time as a [REDACTED] driver as a means of survival because he cannot live on only his social security. Petitioner indicated that the job is not strenuous and he can handle it.

As indicated above, ASM 120 defines a responsible relative as a person's spouse or a parent of an unmarried child under age 18. ASM 101 indicates that HHS is not covered if there is a responsible relative living in the home, who is able and available to provide care. Petitioner's spouse meets the definition of a responsible relative, and no evidence was presented to the Department showing that Petitioner's spouse was unable or unavailable to provide care to Petitioner as of the date of action in this matter. In fact, Petitioner reported to the ASW that his spouse was able-bodied. Petitioner also works part-time for [REDACTED] which further complicates his application for HHS. If Petitioner's spouse's is in fact unable to care for Petitioner due to her own disability, that fact must be documented, and Petitioner can then reapply for HHS. Given the above, Petitioner's HHS was properly denied based on the information available to the ASW at the time of the denial.

### **DECISION AND ORDER**

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

#### **IT IS THEREFORE ORDERED THAT:**

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



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**ROBERT J. MEADE**  
**ADMINISTRATIVE LAW JUDGE**

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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](http://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 [LARA-MOAHR-DCH@michigan.gov](mailto: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.



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