

Date Mailed: January 16, 2026

Docket No.: 25-044526

Case No.: [REDACTED]

Petitioner: [REDACTED]

DECISION AND ORDER

On December 10, 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 January 14, 2026. 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 with her witness, [REDACTED]. 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 Erica Smigill. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 24-page packet of documents provided by the Department was admitted into evidence as Exhibit A.

ISSUE

Did the Department properly deny Petitioner's request for 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. On October 13, 2025, the Department received an HHS referral for Petitioner, and the referral indicated that Petitioner was married.
2. On October 13, 2025, the Department mailed an introduction letter to Petitioner. The Department included forms with the introduction letter. The forms that the Department included were an application (DHS-390), withholding tax authorization form (DHS-4771), and a medical needs certification form (DHS-6200).
3. On November 5, 2025, the Department mailed a negative action notice to Petitioner to inform Petitioner that her request for HHS was denied because "the Home Help program does not provide personal care services in a licensed AFC Home, Home for the Aged, Group Home, Long Term Care facility, or nursing home. Your current living arrangement does not meet the policy requirement for Home Help services."

25-044526

2

4. 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.

In this case, the Department testified that it denied Petitioner's request for HHS because Petitioner did not provide the Department with necessary forms for the Department to determine whether Petitioner's spouse was able and available to care for Petitioner. The negative action notice that the Department provided as evidence stated that the Department denied Petitioner's request for HHS due to her living arrangement. The negative action notice that the Department provided as evidence did not state anything about Petitioner's failure to provide the Department with necessary forms for the Department to determine whether Petitioner's spouse was able and available to care for Petitioner. The negative action notice that the Department provided to Petitioner was deficient because it did not provide Petitioner with notice of the actual reason for the denial.

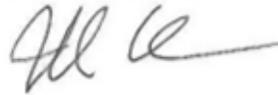
When the Department receives a referral for HHS, the Department sends an introduction letter and forms to the client. ASM 110 (October 1, 2025), p. 2. The introduction letter gives the client 21 calendar days to return the completed forms to the Department. ASM 110 at 2. The Department testified that it mailed a medical needs form and a verification of employment form to Petitioner so that Petitioner could provide information about her spouse for the Department to determine whether her spouse was able and available to care for Petitioner. However, the only evidence that the Department provided to show that it mailed forms to Petitioner was a screenshot from MiAIMS that showed an application (DHS-390), withholding tax authorization form (DHS-4771), and a medical needs certification form (DHS-6200) were mailed to Petitioner. There was no evidence that the Department mailed a verification of employment form to Petitioner, and there was no evidence that the Department properly instructed Petitioner to provide information about her spouse's ability and availability.

Based on the evidence presented, the Department did not act in accordance with ASM 110 because the Department did not properly instruct Petitioner to provide information about her spouse. Therefore, the Department's decision is reversed. However, this does not mean that Petitioner is eligible for HHS. Rather, this means that the Department must reopen Petitioner's referral and send her a new introduction letter in accordance with ASM 110.

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 deny Petitioner's request for HHS.

IT IS ORDERED that the Department's decision is **REVERSED**. The Department must reopen Petitioner's referral and send Petitioner a new introduction letter in accordance with ASM 110. The Department must begin to implement this order within 10 days of the mailing date of this decision.



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 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
ALLISON POOL
MDHHS APPEALS SECTION
PO BOX 30807
LANSING, MI 48933
POOLA@MICHIGAN.GOV

Agency/Department Representative
MACOMB COUNTY DHHS
41227 MOUND RD
STERLING HEIGHTS, MI 48314
**MDHHS-MACOMB-36-
HEARINGS@MICHIGAN.GOV**

Respondent
MICHIGAN DEPARTMENT OF
HEALTH AND HUMAN SERVICES
ATTN: 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] MI [REDACTED]