

**Date Mailed:** January 20, 2026

**Docket No.:** 25-044543

**Case No.:** [REDACTED]

**Petitioner:** [REDACTED]

## **DECISION AND ORDER**

On December 9, 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 15, 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's authorized hearing representative, [REDACTED], appeared for Petitioner. 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 Bowden. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 56-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. Petitioner is a child under age 18.
2. Petitioner lives with his father, and Petitioner's father is available and able to care for Petitioner as he is not employed or disabled.
3. Petitioner requested HHS from the Department.
4. On November 10, 2025, an adult services worker spoke with Petitioner's father, and Petitioner's father confirmed that he was available and able to care for Petitioner. Petitioner's father informed the adult services worker that Petitioner requires 24-hour care, and CLS advised him to apply for HHS.
5. On November 10, 2025, the Department mailed a negative action notice to Petitioner to inform Petitioner that his request for HHS was denied.

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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.

In this case, the Department denied Petitioner's request for HHS because the Department determined that Petitioner had a responsible relative (Petitioner's father) who was available and able to provide care for Petitioner. 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 (August 1, 2025), p. 2. A responsible relative includes an HHS recipient's parent when the HHS recipient is a child under age 18. *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.*

Petitioner had a responsible relative because Petitioner was a child under age 18 who lived with his father. Petitioner's father was available and able to provide care for Petitioner. Since Petitioner's father was available and able to provide care for Petitioner, the Department could not authorize Petitioner's request for HHS.

The Department properly determined that Petitioner had a responsible relative who was available and able to care for Petitioner, and the Department properly notified Petitioner that his request for HHS was denied in accordance with ASM 150. Petitioner did not present sufficient evidence to establish that the Department's decision should be reversed. Therefore, the Department's decision to deny Petitioner's request for HHS is affirmed.

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**DECISION AND ORDER**

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

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



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**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](https://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](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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**Via First Class Mail:**

**Petitioner**

[REDACTED]  
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