

Date Mailed: January 30, 2026

Docket No.: 25-047201

Case No.: [REDACTED]

Petitioner: [REDACTED]

DECISION AND ORDER

On December 22, 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 28, 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 authorized hearing representative, [REDACTED]. Petitioner had one witness, [REDACTED]. Respondent Michigan Department of Health and Human Services (Department) had Appeals Review Officer Allison Pool appear as its representative. Respondent had two witnesses: Adult Services Worker Miranda Ray and Adult Services Manager Margo Peterson. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. An 18-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 married, and Petitioner lives with her spouse.
2. Petitioner's spouse is not disabled.
3. Petitioner requested HHS from the Department.
4. On November [REDACTED] 2025, an adult services worker visited Petitioner in her home to complete an assessment. Petitioner was present with her son, [REDACTED]. The adult services worker observed Petitioner and asked Petitioner about her need for assistance. Petitioner reported that she lived with her spouse. Petitioner reported that her spouse was not available to care for her because he was busy volunteering at a temple and helping a friend run a business.

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5. The adult services worker concluded that Petitioner's spouse was available and able to care for Petitioner.
 6. On November 7, 2025, the Department mailed a negative action notice to Petitioner to inform Petitioner that her request for HHS was denied because Petitioner had a responsible relative who was available and able to care for Petitioner.
 7. 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 spouse) 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 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. ASM 120 (October 1, 2025), pp. 7-8. Unable means the responsible relative has disabilities that are documented and verified by a medical professional that prevent him from providing care. *Id.*

Petitioner had a responsible relative because Petitioner had a spouse who lived with her. Petitioner did not dispute that her spouse was able to care for her. However, Petitioner disputed that her spouse was available to care for her. Petitioner asserted that her spouse was not available to care for her because her spouse was busy volunteering at a temple and helping a friend run a business. The issue here is whether the Department properly determined that Petitioner's spouse was available to care for Petitioner.

Petitioner provided vague information about her spouse's availability during the assessment. Petitioner asserted that her spouse was busy volunteering at a temple and helping a friend run a business. Petitioner did not assert that her spouse was employed. A responsible relative must provide a work or school schedule to verify that the responsible relative is unavailable to provide care. ASM 120 at 7. Petitioner's spouse did not provide a schedule to verify that he was unavailable to provide care. Although the Department did not ask Petitioner's spouse to provide a schedule, the adult services worker did not have any reason to ask Petitioner's spouse to provide the information since Petitioner did not assert that her spouse was employed. Since Petitioner's spouse did not verify that he was unavailable to provide care for Petitioner, the Department properly determined that Petitioner's spouse was available to provide care for Petitioner.

Since Petitioner's spouse 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 her 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.

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**.



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.



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