

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2009-18995

Issue No: 2005

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 21, 2009

Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on May 21, 2009. Claimant personally appeared and testified through an Arabic language translator, [REDACTED], as he speaks no English.

ISSUE

Did the department correctly terminate claimant's Medicaid (MA) benefits in March, 2009?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. Claimant, an Iraqi immigrant, was approved for RAP/cash, MA, and Food Assistance Program (FAP) benefits upon his entry into United States.

2. In March, 2009 department reviewed claimant's RAP, MA and FAP eligibility and determined that he no longer qualified for these benefits, as he had reached 8 month point of entry into United States.

3. On March 5, 2009, department mailed the claimant a Benefit Notice telling him that his RAP and MA benefits will end on March 17, 2009, and his FAP benefits on March 31, 2009. Claimant requested a hearing on April 3, 2009. Claimant is only contesting the closure of his MA case.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Departmental policy effective December 26, 2007, addresses Special Immigration Status for Afghan and Iraqi individuals pursuant to Section 525 of the Consolidated Appropriations Act of 2008 (P.L. 110-161). This legislation granted certain Afghan and Iraqi individuals a special immigrant visa (SIV) under section 101(a)(27) of the Immigration and Nationality Act (INA). Such individuals were eligible for cash, medical and food assistance benefits for six months following the date of entry into the United States. Additional legislation, Section 1244(g) of the National Defense Authorization Act, approved on January 28, 2008, extended the Iraqi acceptable alien status to no more than eight months following their date of entry into the United

States. Therefore, Iraqi aliens with the above status meet alien status requirements for no more than eight months following their date of entry. PEM 225A, p. 1.

Claimant is an Iraqi alien, admitted into the United States under the special immigration status, and therefore only eligible for cash, MA and FAP benefits for eight months following his date of entry into the United States. Therefore, department properly took action to terminate such benefits once the claimant reached his eight month point of entry.

At the conclusion of the hearing claimant, through the Arabic language translator, indicates he understands why his MA benefits had to be terminated.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly terminated claimant's MA benefits in March, 2009.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 2, 2009

Date Mailed: June 2, 2009

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

I [REDACTED]

cc:

[REDACTED]