

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: 2009-6850

Issue No: 2005

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

July 30, 2009

Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

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 July 30, 2009. Claimant was represented at hearing by her Power of Attorney,

[REDACTED]

ISSUE

Whether the Department of Human Services (department) properly determined claimant's eligibility for Medical Assistance (MA).

FINDINGS OF FACT

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

- (1) October 7, 2008, the department received claimant's application for MA.

Department Exhibit A, pgs 1-15.

(2) October 20, 2008, an in-office interview was held. At interview, claimant provided a copy of her [REDACTED] which was issued [REDACTED] by the country of [REDACTED]. Department Exhibit A, pg 18. The [REDACTED] indicated that claimant was admitted to the [REDACTED] on [REDACTED]. Department Exhibit A, pg 19. Claimant also provided a copy of an [REDACTED] indicating the [REDACTED] had received her [REDACTED] application on [REDACTED] Department Exhibit A, pg 20.

(3) The department determined that claimant did not have citizenship/alien status to qualify for full MA. emergency MA was approved.

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).

Department manuals provide the following policy statements and instructions for caseworkers:

Citizenship/alien status is not eligibility factor for emergency services only MA. However, the person must meet all other eligibility factors including residency. To be eligible for full MA coverage a person must be a U.S. citizen or an alien admitted to the U.S. under a specific immigration status. U.S. citizenship must be verified with an acceptable document to receive Medicaid. The alien status of each non-citizen must be verified to be eligible for full MA coverage. The coverage of a person who is unable to obtain verification of alien status is limited

to emergency services until verification is obtained. An alien paroled into the U.S. for less than one year under INA Section 212(d)(5) is limited to emergency services MA coverage. Persons who do not meet any of the MA citizenship/alien statuses are limited to coverage of emergency services only. This includes, for example, undocumented aliens and non-immigrants who have stayed beyond the period authorized. Bridges Eligibility Manual (BEM) 225; 42 CFR 435, 403, 406, 407, Public Law 109-1/1 Deficit Reduction Act 2005, Social Security Act 1903(x), PL 109-171 Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA), Public Law 111-3. P.L. 104-193 of 1996, as amended P.L. 106-386 of 2000 65 FR 58301.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly determined claimant's eligibility for Medical Assistance.

Accordingly, the department's action is, hereby, UPHELD.

/s/ _____
Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 22, 2010

Date Mailed: April 22, 2010

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 receipt 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.

JAB/db

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] gs