

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.: 2010-183
Issue No.: 2005
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
May 3, 2010
Oakland County DHS (2)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a hearing was held in Madison Heights, Michigan on Monday, May 3, 2010. The Claimant appeared, along with [REDACTED], and testified. [REDACTED] and [REDACTED] appeared on behalf of the Department.

ISSUE

Did the Department properly processed the Claimant's Medical Assistance ("MA") application based on her alien status?

FINDINGS OF FACT

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

1. The Claimant applied for MA on June 22, 2009.
2. At the time of application, the Claimant was pregnant.

3. The Claimant became a permanent resident of the United States on July 25, 2007.
(Exhibit 1)
4. The Claimant is married to a United States citizen.
5. The Department approved the Claimant for MA emergency services only.
6. On July 15, 2009, the Department received the Claimant's timely written request for hearing. (Exhibit 2)

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act. 42 USC 1397 and is administered by the Department of Human Services pursuant to MCL 400.10, *et. seq.* The Department of Human Services ("DHS"), formerly known as the Family Independence Agency, administers the program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Program Administrative Manual ("PAM")/Bridges Administrative Manual ("BAM"), the Program Eligibility Manual ("PEM")/Bridges Eligibility Manual ("BEM"), and the Program Reference Manual ("PRM")/Bridges Reference Manual ("BRM").

The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. PEM/BEM 105 Medicaid is also known as Medical Assistance ("MA"). *Id.* The Medicaid program is comprised of several categories; one category is for FIP recipients while another is for SSI recipients. *Id.* Programs for individuals not receiving FIP or SSI are based on eligibility factors in either the FIP or SSI program thus are categorized as either FIP-related or SSI-related. *Id.* To receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formally blind or disabled. *Id.* Families with dependent children,

caretaker relatives of dependent children, persons under age 21 and pregnant, or recently pregnant women, receive MA under FIP-related categories. *Id.*

Healthy Kids for pregnant women is a FIP-related Group 1 MA category. PEM/BEM 125 This program is available to a woman while she is pregnant and during the two calendar months following the month the pregnancy ends, regardless of the reason. *Id.* To be eligible for MA coverage, a person must be a U.S. citizen or an alien admitted to the U.S. under a specific immigration status. PEM/BEM 225 U.S. citizenship must be verified with an acceptable document to receive Medicaid. *Id.* Citizenship is not an eligibility factor for emergency services only MA. *Id.* A permanent resident alien with a class code on the I-551 other than RE, AM, or AS is limited to emergency services for the first five years in the country.

In the record presented, the Claimant, who was pregnant, applied for MA (Healthy Kids) but was limited to emergency services only based on her alien status. The Claimant obtained resident status on [REDACTED] and has a class code other than RE, AM, or AS. During the hearing, the Claimant agreed that the Department properly applied the policy when determining MA eligibility however believed the policy as written was discriminatory. Ultimately, under the facts presented, the Department established it acted in accordance with Department policy when determining MA eligibility. Accordingly, the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department acted in accordance with Department policy when determining the Claimant's MA eligibility.

Accordingly, it is ORDERED:

The Department's MA determination is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 5/12/2010

Date Mailed: 5/12/2010

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.

CMM/jlg

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