

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 201046158
Issue No.: 2005
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 27, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 telephone hearing was held on October 27, 2010. The Claimant appeared and testified. [REDACTED] served as interpreter. [REDACTED], FIS appeared on behalf of the Department.

ISSUE

Was the Department correct in determining Claimant's MA eligibility?

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 is a recipient of emergency MA benefits.
- (2) Claimant has resided in the United States since March 2009.
- (3) Claimant requested a hearing on May 3, 2010 contesting the determination of MA benefits.

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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Citizenship/alien status is not an eligibility factor for emergency services only (ESO) MA. However, the person must meet all other eligibility factors including residency; see BEM 220. 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 continue to receive Medicaid. Refer to BAM 130. A person claiming U.S. citizenship is not eligible for ESO coverage. The alien status of each noncitizen must be verified to be eligible for full MA coverage; see CITIZENSHIP/ALIEN STATUS in this item. A child born to a woman receiving Medicaid is considered a U.S. citizen. No further documentation of the child's citizenship is required. *Exception:* RSDI and SSI recipients, Medicare recipients, Newborns (BEM 145), Safe Delivery babies, and children receiving title IV-B services or title IV-E adoption assistance or foster care payments are not required to verify U.S. citizenship. MA coverage is limited to emergency services for any: • Persons with certain alien statuses or U.S. entry dates as specified in policy, see CITIZENSHIP/ALIEN STATUS in this item. • Persons refusing to provide citizenship/alien status information on the application. • Persons unable or refusing to provide satisfactory verification of alien information. Note: All other eligibility requirements including residency (BEM 220) MUST be met even when MA coverage is limited to emergency services. BEM 225.

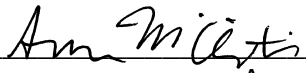
In the present case, the Department determined that Claimant was only eligible for MA-ESO medical coverage because she has not resided in the United States for more than 5 years. BEM 225. Claimant did not dispute that she has not lived in the United States for 5 years. Claimant argued at hearing that her income is very limited, that she has significant health problems that need medical care and that she needs the medical coverage. This Administrative Law Judge sympathizes with Claimant's circumstances but has no authority to override Department policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department was correct in determining Claimant's Medical Assistance Program benefits, and it is ORDERED that the Department's decision in this

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regard be and is hereby AFFIRMED.



Aaron McClintic
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: October 29, 2010

Date Mailed: October 29, 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 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.

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cc:

