

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

IN THE MATTER OF:



Reg No.: 2010 47130
Issue No.: 2005
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 13, 2010
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 September 13, 2010.

ISSUE

Did the Department properly deny the Claimant's request for Medicaid (MA) for failure to meet citizenship requirements?

FINDINGS OF FACT

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

1. On March 10, 2010, the Claimant applied for MA.
2. On April 30, 2010, the Claimant's MA application was denied.
3. On June 9, 2010, the Claimant requested a hearing.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).


The Claimant applied for MA on March 10, 2010. The Department denied the Claimant's application based upon BEM 225, p. 26, which indicates a permanent resident alien is eligible for MA upon the completion of 5 years in the Country. The Claimant actually became a permanent resident alien on November 22, 2002. The policy provides for other exceptions by which an individual may qualify. The Claimant meets the requirement.

The Department incorrectly determined the Claimant who is a permanent resident alien who has been in the country more than 5 years as ineligible for MA.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services was not acting in compliance with Department policy.

Accordingly, the Department's decision is REVERSED. The Department is ORDERED to process the Claimant's March 10, 2010 application for MA and, if otherwise eligible, open MA.



Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/22/10

Date Mailed: 09/22/10

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.

JWO/dj

cc:

