

STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

**IN THE MATTER OF:**

[REDACTED]

Reg. No. 201134444  
Issue No. 2024  
Case No. [REDACTED]  
Hearing Date: June 29, 2011  
Oakland County DHS (02)

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

**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 June 29, 2011 from Detroit, Michigan. The Claimant appeared and testified; [REDACTED] appeared and testified as Claimant's authorized hearing representative (AHR) and translator. On behalf of Department of Human Services (DHS) [REDACTED], Specialist, appeared and testified.

**ISSUE**

Whether DHS properly determined Claimant's eligibility for Medical Assistance (MA) benefits based on Claimant's residency 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. On 1/3/11, Claimant applied for MA benefits.
2. Claimant is a permanent resident with an alien status code of F-31 and has been in the United States since 2/18/08.
3. Claimant is over 65 years of age.
4. On 2/17/11, DHS approved Claimant for Medicaid (emergency services) only.
5. On 3/15/11, Claimant requested a hearing disputing the emergency services only restriction on Claimant's MA coverage.

6. Claimant also requested a hearing concerning Food Assistance Program (FAP) and cash assistance 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). DHS 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 Reference Tables Manual (RFT).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

The undersigned will refer to the DHS regulations in effect as of 2/2011, the month of the DHS decision which Claimant is disputing. Current DHS manuals may be found online at the following URL: <http://www.mfia.state.mi.us/olmweb/ex/html/>.

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. BEM 225 at 2. Citizenship/alien status is not an eligibility factor for emergency services only (ESO) MA. *Id.*

BEM 225 provides a chart that determines the type of benefits for which a client is entitled based on the client's class code. It was not disputed that Claimant's permanent residency code was F-32 and that Claimant's date of United States entry was 2/18/08. Clients with a residency class code other than RE, AM or AS with an entry date following 8/22/96 during their first five years in the United States are restricted to emergency service MA only. BEM 225 at 26.

Claimant's eligibility for MA was not in dispute other than the issue of Claimant's citizenship. It is found that DHS properly determined Claimant was eligible for Medicaid for emergency services only.

Claimant also requested a hearing for FAP benefits and cash assistance. It was not disputed that at the time of Claimant's hearing request (3/15/11), Claimant had not yet applied for FAP or cash benefits. It was not disputed that Claimant subsequently applied for FAP and cash benefits and that DHS denied the application for similar reasons that Claimant was restricted to emergency services Medicaid. However, Claimant's application and DHS decision concerning FAP and cash benefits all occurred following 3/15/11. The undersigned only has the jurisdiction to decide Claimant's 3/15/11 hearing request. Claimant is not entitled to an administrative hearing for FAP

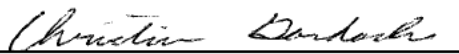
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and cash benefits based on the 3/15/11 request because, at the time, DHS had not made an adverse decision concerning those benefits because Claimant had yet to apply for them. Accordingly, Claimant's 3/15/11 hearing request is dismissed concerning the dispute concerning FAP and cash benefits.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant failed to establish a proper basis for an administrative hearing concerning FAP and cash benefits. Claimant's hearing request is PARTIALLY DISMISSED.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly determined Claimant's eligibility for MA benefits as Medicaid for emergency services only. The actions taken by DHS are PARTIALLY AFFIRMED.

  
Christian Gardocki  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: July 6, 2011  
Date Mailed: July 6, 2011

**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.

CG/CL

cc:

