

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

IN THE MATTER OF:

Reg

No: 20119567

Issue No: 2005

Case No:

Date:

May 12, 2011

County DHS-02

Hearing

Oakland

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

DECISION AND ORDER

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400.9; MCL 400.37 upon Claimant's request for a hearing. After due notice, an in hearing was held on May 12, 2011. The Claimant and Claimant's Authorized Representative [REDACTED] through [REDACTED] appeared and Claimant testified. [REDACTED] and [REDACTED] appeared on behalf of the Department.

ISSUE

Was the Department correct in denying Claimant's MA-Emergency Services Only application?

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 applied for MA benefits on December 17, 2008.
- (2) Claimant's application was denied on March 30, 2010 based on the Medical Review Team's determination that Claimant is not disabled.
- (3) It does not appear the MA-Emergency Services Only was considered at the time of denial.
- (4) Claimant requested a hearing on June 25, 2010 contesting the denial of her Medicaid application.

- (5) Claimant requested MA-Emergency Services Only at hearing.
- (6) Claimant has resided in Michigan for the past 15 years and intends to stay in Michigan.
- (7) Claimant is not a citizen or legal resident of the United States.
- (8) Claimant is a citizen of Canada.
- (9) Claimant conceded at hearing that the only Medicaid program she may be eligible for is Emergency Services Only.

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). The Medical Assistance program was designed to assist needy persons with medical expenses.

Department policy explains how immigration status affects MA eligibility--**MA and AMP** • Alien paroled into the U.S. for less than one year under INA section 212(d)(5). Coverage is limited to emergency services • Nonimmigrant--an alien temporarily in the U.S. for a specific purpose (for example, student, tourist). The alien must not have exceeded the time period authorized by USCIS. For both MA and AMP, coverage is limited to emergency services only. • **Person who does not meet any of the MA citizenship/alien statuses above--limited to coverage of emergency services only.** This includes, for example, undocumented aliens and nonimmigrants who have stayed beyond the period authorized by USCIS. BEM 225

In the present case, Claimant does not meet any of the criteria for any coverage other than Emergency Services Only. Claimant is not a US citizen or permanent resident and has no pending applications for citizenship or permanent residency for the United States. Claimant is an undocumented alien. Claimant conceded at hearing that the only MA program she may be eligible for is Emergency Services Only. The Department was incorrect to deny Emergency Services Only-MA to Claimant and provided no explanation for the denial at hearing. Therefore this Administrative Law Judge finds that the Department's denial of Claimant's MA-ESO application was improper and incorrect.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was incorrect in the denial of Claimant's MA-ESO application, and it is ORDERED that the Department's decision is hereby REVERSED. The Department shall activate MA-ESO coverage back to the date of application.

Aaron
Administrative
for
Department



McClintic
Law Judge
Maura Corrigan, Director
of Human Services

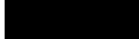

Date Signed: July 8, 2011

Date Mailed: July 8, 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 60 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.

AM/ctl

cc: 
Oakland County DHS (02)/1843

A. McClintic
Administrative Hearings