

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 2011-23202
Issue No. 2005
Case No. [REDACTED]
Hearing Date: April 6, 2011
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: [REDACTED]

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on April 6, 2011. The Claimant personally appeared and testified.

ISSUE

Did the Department properly deny the Claimant's application for Medical Assistance (MA)?

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 October 27, 2010, the Claimant applied for MA.
2. The Department denied the Claimant's MA application.
3. On January 21, 2011, the Claimant filed a request for a hearing.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the instant case, the Claimant applied for MA but was denied because the Claimant had only been a resident of the United States for less than six (6) months.

FIP, SDA, MA and AMP

Alien admitted into the U.S. with one of the following immigration statuses:

Permanent resident alien with a class code on the I-551 other than RE, AM or AS.

Alien paroled into the U.S. for at least one year under INA section 212(d)(5).

Exception (both statuses above): The eligibility of an alien admitted into the U.S. on or after August 22, 1996 with one of these statuses is restricted as follows unless the alien is a qualified military alien or the spouse or dependent child of a qualified military alien:

For FIP, he is disqualified for the first five years in the U.S.

For SDA, he is disqualified.

For MA and AMP he is limited to emergency services for the first five years in the U.S. (BEM 225, p. 5).

Here, the Department should have notified the Claimant that he is qualified for Emergency Services Only (ESO).

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department's decision in the instant case.

[REDACTED]

Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: May 25, 2011

Date Mailed: May 25, 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 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.

MJB/ hw

cc: [REDACTED]
Macomb County DHS (20)
[REDACTED]
Administrative Hearing System