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

IN THE MATTER OF:



Reg. No.:
2012-55981

Issue No.:
2005

Case No.:
Image: County and the second second

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Admini strative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on Sept ember 19, 2012, from Detroit, Michigan. Participants on behalf of Claimant included t he claimant and

Participants on behalf of the Department of Hu man Services (Department) included

ISSUE

Did the Department properly limit the cl aimant's medical c overage to emergenc y services only?

FINDINGS OF FACT

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

- 1. On April 1, 2012, the department notified the claimant that his MA benef its were limited to emergency services only.
- 2. On June 5, 2012, the claimant requested a hearing to protest the limitation of his MA to emergency services.

CONCLUSIONS OF LAW

Department policies are contained in the Br idges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

☐ The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and W ork Opportunity Reconc iliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq*. The Department (formerly k nown as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq*., and Mich Admin Code, R 400.3101 t hrough R 400.3131. FI P replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

☐ The Food Assistanc e Program (FAP) [for merly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq*., and Mich Admin Code, R 400.3001 through R 400.3015.

The Medical Ass istance (MA) program is es tablished by the Title XIX of the Soc ial 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 Independ ence Agency) administers the MA pr ogram pursuant to MCL 400.10, *et seq*., and MC L 400.105.

The Adult M	edical Program (A	MP) is	established by 42	USC 1315, and is
administered by	the Department	pursuant to N	/ICL 400.10, et seg	

The State Disabilit y Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The D epartment of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq*., and 2000 AACS, R 400.3 151 through R 400.3180.

☐ The Child Development and Care (CDC) program is establis hed by Titles IVA, IVE and XX of the Soc ial Security Act, the Ch ild Care and Developm ent Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Feder al Regulations, Parts 98 and 99. The Depart ment provides servic es to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001 through R 400.5015.

In April, 2012, the department began a redetermination of the Claimant's benefits. The department discovered that t he claimant's Alien status had changed and that he no longer had a "green card" to legitimize his status in the United States.

The Department relies on policy in Bridges Eligibility Manual (BEM) 225 (January 1, 2012) which provides.

Determine the alien status of each non-ci tizen requesting benefit s at application, member addition, redetermination and when a change is reported. Page 1.

The instant case involves a redetermination of Claimant's benefits.

A person must be a U.S. citize n or have an acceptable alie n status for the designat ed programs. See the CITIZENS HIP/ALIEN STATUS in this item. Persons who do not meet this requirement, or who refuse to indicate their status, are disqualified. Page 1.

MA coverage is limited to emergency services for any:

Persons with certain alien stat uses or U.S. entry dates as specified in policy; s ee 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. Page 2.

Determine the alien status of each non-ci tizen requesting benefit s at application, member addition, redetermination and when a change is reported.

Person who does not meet any of the MA citi zenship/alien statuses above--limited to coverage of emergency services only. This includes, for example, undocumented aliens and non-immigrants who have stayed beyond t he period authorized by USCIS. (BEM 225 p.8).

As Claimant's alien card has expired, his MA coverage is limited to emergency service s only pursuant to BEM 225.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department idid act properly when idid not act properly whe

Accordingly, the Department's AMP FIP FIP ARA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.

Michael J. Bennane Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Date Signed: October 17, 2012

Date Mailed: October 17, 2012

NOTICE: Michigan Administrative Hearing Syst em (MAHS) 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 Dec ision and Order. MAHS will not or der a rehearing or

reconsideration on the Department's mo tion where the final decis ion cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases)

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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration <u>MAY</u> be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at Michigan Administrative Hearings

Re consideration/Rehearing Request P. O. Box 30639 Lansing, Michigan 48909-07322

MJB/ctl



