

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: [REDACTED]  
Issue No.: 2024  
Case No.: [REDACTED]  
Hearing Date: [REDACTED]  
County DHS: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on [REDACTED] from [REDACTED]. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED] and [REDACTED].

**ISSUE**

Whether the Department of Human Services (Department) properly determined the Claimant's Medical Assistance (MA) eligibility?

**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 [REDACTED], the Claimant applied for Medical Assistance (MA) on behalf of his son.
2. The Claimant's son is a U.S. citizen.
3. The Claimant and his son's mother are not U.S. citizens, nor are they permanent resident aliens.
4. On [REDACTED], the Department notified the Claimant that it had denied his application for Medical Assistance (MA) benefits for his son.

5. The Department received the Claimant's request for a hearing on ██████████, protesting the denial of his Medical Assistance (MA) application.

### **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 (DHS or Department) 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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

On ██████████ the Claimant applied for Medical Assistance (MA) on behalf of his son. On ██████████ the Department notified the Claimant that it had denied his application for Medical Assistance (MA) benefits.

The Claimant's son is a U.S. citizen. The Claimant and his son's mother are not U.S. citizens, nor are they permanent resident aliens. The Claimant does not dispute that Medical Assistance (MA) benefits are not available for himself and his son's mother due to their citizenship status.

However, the citizenship status of the Claimant, his son, and the child's mother are not relevant to the issue of whether the child is eligible for Medical Assistance (MA) benefits.

A requirement of the Medical Assistance (MA) program is being a resident of Michigan. A person is a Michigan resident if that person lives in Michigan, except for a temporary absence, and intends to remain in Michigan permanently or indefinitely, or that person has entered the state of Michigan for employment purposes, and has a job commitment, or is seeking employment. When an adult in the MA fiscal group does not meet the residency requirement for eligibility, their children cannot meet the requirement either. Department of Human Services Bridges Eligibility Manual (BEM) 220 (March 1, 2013), pp 1-2.

The Claimant currently resides in Michigan for the purposes of furthering his education. His status in this country as a non-citizen is as a student. As a non-citizen student living in Michigan, the Claimant has failed to establish that he has an intent to remain in Michigan permanently or indefinitely. The Claimant has failed to establish that he entered Michigan for the purposes of obtaining employment in Michigan. Therefore, as a non-resident of Michigan, the Claimant's son is also considered to be a non-resident of Michigan, and is not eligible to receive Medical Assistance (MA) benefits.

Based on the evidence and testimony available during the hearing, the Department has established that it properly denied the Claimant's application for Medical Assistance (MA) based on residency.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly denied the Claimant's application for Medical Assistance (MA) based on residency.

The Department's M.A. eligibility determination is **AFFIRMED**. It is SO ORDERED.

\_\_\_\_\_/s/

Kevin

\_\_\_\_\_  
Scully  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: 03/13/2013

Date Mailed: 03/13/2013

**NOTICE:** Michigan Administrative Hearing System (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 Decision and Order. MAHS 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. (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 timely 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 **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** 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.

[REDACTED]/KS

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

Michigan Administrative hearings  
Recons ideration/Rehearing Request  
P. O. Box 30639  
Lansing, Michigan 48909-07322

KS/kl

cc:

[REDACTED]