

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201429140  
Issue No.: 2001  
Case No.: [REDACTED]  
Hearing Date: April 28, 2014  
County: Oakland (02)

**ADMINISTRATIVE LAW JUDGE:** Alice C. Elkin

**HEARING DECISION**

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, an in-person hearing was held on April 28, 2014, from Madison Heights, Michigan. Participants on behalf of Claimant included [REDACTED], hearing representative with [REDACTED]; Claimant's authorized hearing representative (AHR). Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

**ISSUE**

Did the Department properly process Claimant's application for retroactive Medical Assistance (MA) coverage for March 2013?

**FINDINGS OF FACT**

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

1. In early April 2013, Claimant applied for Adult Medical Program (AMP) eligibility.
2. The Department activated AMP coverage for Claimant for April 2013 ongoing.
3. On April 22, 2013, Claimant's AHR filed an MA application on Claimant's behalf with request for retroactive coverage to March 2013, alleging that Claimant was disabled.
4. On October 21, 2013, the Medical Review Team (MRT) determined that Claimant was disabled as of the application date and the retro months.

5. On October 23, 2013, the Department sent Claimant a Quick Note notifying him that it needed to verify his citizenship or alien status in order to determine his MA eligibility.
6. On October 23, 2013, the Department sent Claimant a Verification Checklist requesting proof of immigration/alien status by November 4, 2013.
7. The Department did not receive any documentation concerning Claimant's immigration or alien status by November 4, 2013 other than the copies of his Mexican passport and Mexican national card included with his April 22, 2013, MA application.
8. On November 5, 2013, the Department sent Claimant a Notice of Case Action denying his MA eligibility for March 2013 because it could not establish his alien status.
9. On February 5, 2014, the AHR requested a hearing disputing the Department's action.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

Additionally, at the hearing, the AHR clarified that it requested a hearing specifically concerning Claimant's MA eligibility for March 2013.

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 (January 2012), p. 2. However, citizenship/alien status is not an eligibility factor for emergency services only (ESO) MA provided the client meets all other eligibility requirements. BEM 225, p. 2.

In this case, the AHR acknowledged that the only documentation it was able to obtain from Claimant concerning his immigration status was his Mexican passport and the "matricula consular id card," which appears to be a card issued by the Mexican government identifying Claimant as a Mexican citizen residing in the United States. Copies of these documents were included with the April 22, 2013, MA application the AHR submitted to the Department. These documents were not sufficient to establish

Claimant's citizenship or acceptable alien status eligibility for full-coverage MA. BEM 225, pp. 3-9. However, Claimant is nevertheless entitled to ESO coverage if he meets the remaining requirements for MA eligibility. BEM 225, p. 8.


The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it denied Claimant MA coverage for March 2013 based on lack of citizenship or acceptable alien status.

**DECISION AND ORDER**

Accordingly, the Department's decision is REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reprocess Claimant's nonmedical eligibility for MA for March 2013;
2. Activate ESO MA coverage for Claimant for March 2013 if he is otherwise eligible and it is the most beneficial coverage available to him; and
3. Notify Claimant and the AHR in writing of its decision.

  
**Alice C. Elkin**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: May 13, 2014

Date Mailed: May 13, 2014

**NOTICE OF APPEAL:** 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-07322

ACE/tif

cc:

