

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-009753
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: December 02, 2014
County: OAKLAND-DISTRICT 2 (MADISON)

ADMINISTRATIVE LAW JUDGE: Susanne Harris

HEARING DECISION

Following the 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, a telephone hearing was held on December 2, 2014, from Lansing, Michigan. Participants on behalf of the Claimant included [REDACTED] and her daughter who is also her Authorized Hearing Representative and Interpreter for [REDACTED] [REDACTED] [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Assistance Payments Worker, [REDACTED] and Assistance Payments Supervisor, [REDACTED].

ISSUE

Did the Department properly deny Claimant's application 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. The Claimant applied for MA benefits.
2. On July 14, 2014, the Department denied the Claimant's application due to the Claimant being a permanent resident alien who has not been in the United States for at least five years.
3. On July 14, 2014, the Department sent the Claimant its decision; however, the reason for denial on the DHS-1606, Health Care Coverage Determination Notice erroneously stated that the Claimant was denied because she was not under 21, pregnant, or a caretaker of a minor child in her home. It also stated that she was not over 65, blind or disabled.

4. On August 5, 2014, the Claimant's Authorized Hearing Representative (AHR) filed a hearing request, protesting the Department's actions.

PROCEDURAL HISTORY

This hearing was originally scheduled for October 16, 2014. On October 15, 2014, the Michigan Administrative Hearing System did receive a letter from the Claimant's Authorized Hearing Representative requesting that her case be dismissed, as she was going to be out-of-state on October 16. As such, Administrative Law Judge [REDACTED] denied the Claimant's request for adjournment. On October 17, 2014, Administrative Law Judge/Manager, [REDACTED] issued an Order of Dismissal, due to the Claimant's Authorized Hearing Representative's failure to appear at the hearing. On November 6, 2014, the Michigan Administrative Hearing System received additional correspondence from the Claimant's Authorized Hearing Representative. On November 7, 2014, Administrative Law Judge [REDACTED] issued an Order Vacating the Dismissal and Order to Scheduled Matter for Hearing. The hearing was rescheduled for December 2, 2014 and commenced as rescheduled.

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), and Department of Human Services Reference Tables Manual (RFT).

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, Bridges Eligibility Manual 225 (2014), p. 30 indicates that an alien is limited to emergency services only (ESO) Medical Assistance coverage during the first five years that alien has entered the country on or after August 22, 1996. It was not contested during the hearing that the Claimant has only been in the country 29 months at the time of hearing. As such, the Administrative Law Judge determines that the Department was acting in accordance with its policy when denying the Claimant full MA benefits, and limiting her to emergency services only, because she had not been in the country for more than five years.

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it took action to deny the Claimant's application for full MA benefits.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

Susanne E. Harris

Susanne Harris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **12/9/2014**

Date Mailed: **12/9/2014**

SEH/hj

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion.

MAHS **MAY** grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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 48909-8139

cc:

