

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

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-016327
Issue No.: ESO
Agency Case No.: [REDACTED]
Hearing Date: November 19, 2015
County: DHHS Special Processing Office

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

HEARING DECISION

Pursuant to a September 8, 2014 federal lawsuit, the Department of Health and Human Services (Department) issued notices to Medicaid applicants who were potentially denied full Medicaid coverage based on immigration status between January 2014 and May 2015. The notice included information about how to request a hearing. Petitioner filed a request for a hearing and accordingly this matter is before the undersigned Administrative Law Judge pursuant to Michigan Administrative Hearing Rules (R 792.10101 – R 792.11903) and the Administrative Procedures Act, 1969 PA 306, as amended, MCL 24.201 *et seq.*

After due notice, a telephone hearing was held on November 19, 2015 from Lansing, Michigan. The Petitioner was represented by [REDACTED] (Petitioner's sister) who also served as Petitioner's translator during the hearing. The Department was represented by [REDACTED] (Eligibility Specialist).

ISSUE

Did the Department properly determine Petitioner's immigration status or citizenship when determining Medicaid (MA) eligibility?

FINDINGS OF FACT

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

1. Petitioner is from Lebanon and has been a resident of the United States since 2010. (Exhibit 1, p. 3).
2. On April 21, 2013 Petitioner applied for MA benefits. (Exhibit 1, pp. 6-21).
3. In April, 2014, Petitioner had a redetermination of his current MA benefits.

4. On the date of MA application, the Petitioner was not a U.S. citizen but had permanent resident alien status. (Exhibit 1, pp. 3, 6-21)
5. Beginning April 1, 2014, the Department approved Petitioner's MA application for Emergency Services Only (ESO) MA coverage. (Exhibit 1, pp. 26-28).
6. The Department issued a notice to the Petitioner indicating he might have been denied full MA coverage based on immigration status between January 2014 and May 2015.
7. On August 27, 2015, Petitioner requested a hearing. (Exhibit 1, p. 2).
8. On September 4, 2015, the Department issued Petitioner a Benefit Notice (DHS-176) which indicated that Petitioner was still eligible for full Medicaid coverage under the Healthy Michigan Plan effective May 1, 2015 through September 30, 2015. (Exhibit 1, pp. 28-29).

CONCLUSIONS OF LAW

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

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

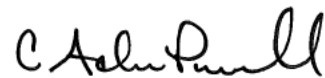
In this case, Petitioner requested a hearing disputing the activation of ESO MA coverage. To be eligible for full Medicaid ("MA") coverage a person must be a U.S. citizen or an alien admitted to the U.S. under a specific immigration status. BEM 225 (10-1-2013), p. 1. The eligibility of an alien admitted into the U.S. on or after August 22, 1996 is limited to ESO coverage for the first five years in the U.S. (BEM 225, p. 8). Petitioner is from Lebanon, but at time of application or redetermination, Petitioner's status was permanent resident alien. The Department representative who attended the hearing indicated that Petitioner was now eligible for full MA coverage as he had been in the U.S. for at least five years. According to the Department representative, Petitioner was receiving full MA coverage under a new case number but that the computer system indicated that he had ESO MA coverage effective October 1, 2015. Petitioner's representative indicated that Petitioner should inquire with his current MA worker whether his full MA coverage should be reinstated or whether Petitioner should request a hearing on the issue.

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** properly determine Petitioner's immigration status or citizenship when determining MA eligibility between January 2014 and May 2015. If Petitioner has a MA issue that has occurred after this time period, Petitioner should request a new hearing.

DECISION AND ORDER

Accordingly, the Department's determination about MA eligibility based on immigration status is **AFFIRMED**.

IT IS SO ORDERED.



C. Adam Purnell
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human
Services

Date Mailed: **11/20/2015**

CAP/las

NOTICE: The law provides that within 30 days of receipt of the above Decision and Order, the Claimant may appeal it to the circuit court for the county in which he/she lives or the circuit court in Ingham County. A copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System.

cc:

