

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

IN THE MATTER OF:



MAHS Reg. No.: 15-016597
Issue No.: ESO
Agency Case No.: [REDACTED]
Hearing Date: November 04, 2015
County: DHHS SPECIAL PROCESSING

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

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. The Claimant 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 4, 2015, from Lansing, Michigan. The Claimant, [REDACTED] and his wife, [REDACTED] appeared and testified. The Department was represented by Eligibility Specialist, [REDACTED].

ISSUE

Did the Department properly determine the Claimant'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. On July 30, 2015, the Claimant submitted a redetermination of current MA benefits.
2. On the date of MA redetermination, the Claimant was a permanent resident of the United States.
3. Beginning May 1, 2015, the Claimant's **full-coverage MA** was **converted to** Emergency Services Only (ESO) MA coverage.

4. On August 21, 2015, the Department issued a notice to the Claimant indicating he might have been denied full MA coverage based on immigration status between January 2014 and May 2015.
5. On August 26, 2015, the Claimant requested a hearing.

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), Department of Health and Human Services Modified Adjusted Gross Income (MAGI) Related Eligibility Manual (MREM), 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, the Claimant requested a hearing disputing the **conversion to ESO MA and denial** of full MA coverage. The Claimant and his wife testified that the Department has since determined that the Claimant is eligible for full MA benefits retroactive to May 1, 2015. The Claimant and his wife testified that they currently are not protesting any issue with their MA case except for the fact that their MA does not include Delta Dental coverage when previously they have always been eligible for Delta Dental coverage.

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 (2014), pp. 3,4. At time of redetermination, the Claimant's status was as a permanent resident of the United States. The Department concedes that it did not properly determine the Claimant's immigration status.

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 properly determine the Claimant's immigration status or citizenship when determining MA eligibility.

DECISION AND ORDER

Accordingly, the Department's determination about MA eligibility based on immigration status 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. Redetermine MA eligibility in accordance with Department policy, including eligibility for Delta Dental under the Claimant's full MA benefits.
2. Notify the Claimant in writing of the Department's new MA eligibility determination.

Susanne E. Harris

Susanne E. Harris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Mailed: 11/04/2015

SEH/sw

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.

cc:

