

**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.: 15-017123  
Issue No.: ESO  
Agency Case No.: [REDACTED]  
Hearing Date: [REDACTED]  
County: DHHS Special  
Processing Office

**ADMINISTRATIVE LAW JUDGE:** Colleen Lack

**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 [REDACTED] and [REDACTED]. 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 10, 2015, from Lansing, Michigan. [REDACTED] the Petitioner appeared on his own behalf. The Department was represented by [REDACTED], Eligibility Specialist. [REDACTED], Linguistica International; and [REDACTED], Linguistica International, provided interpretation services during the hearing.

**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. On [REDACTED] Petitioner applied for MA benefits. (Department Exhibit A, p. 5-11)
2. On the MA application, it was marked that Petitioner was not a United States citizen and did not have eligible immigration status. (Department Exhibit A, p. 6)

3. Petitioner's application was approved for Emergency Services Only (ESO) MA coverage. (Department Exhibit A, pp. 1 and 12-13)
4. On [REDACTED], a Health Care Coverage Determination Notice was issued to Petitioner. (Department Exhibit A, pp. 14-16)
5. On [REDACTED], Petitioner requested a hearing. (Department Exhibit A, p. 2)

### **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, Petitioner requested a hearing disputing the denial of full MA coverage. (Department Exhibit A, p. 2)

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 (October 1, 2014), p. 2. Petitioner testified that at the time of the March 2, 2015, MA application, he was holding citizenship from China, but had a green card and was in the process of becoming a U.S. citizen.

However, on the MA application, it was marked that Petitioner was not a United States citizen and did not have eligible immigration status. (Department Exhibit A, p. 6) There was no evidence that any other information about Petitioner's immigration status was presented to the Department. Accordingly, the determination that Petitioner was not eligible for full MA coverage was correct based on the information available to the Department at that time.

Petitioner's testified he was not sure of his date of entry into the United States, but it may have been 8-9 years ago. As discussed during the hearing proceedings, Petitioner may wish to re-apply for MA and provide verification of his immigration status to the Department.

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 properly determined Petitioner's immigration status or citizenship when determining MA eligibility based on the information available to the Department at that time.

**DECISION AND ORDER**

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

*Colleen Lack*

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Colleen Lack  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human  
Services

Date Mailed: [REDACTED]

[REDACTED]

**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: [REDACTED]