

**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.: 15-016255
Issue No.: ESO
Agency Case No.: [REDACTED]
Hearing Date: December 02, 2015
County: DHHS SSPC OFFICE

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 3-way telephone hearing was held on December 2, 2015, from Detroit, Michigan. The Petitioner was represented by the Petitioner, [REDACTED]. The Department was represented by the [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly determine Petitioner's immigration status or citizenship when determining Medical Assistance/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 January 7, 2015, the Petitioner applied for MA or had a redetermination of current MA benefits.
2. On the date of MA application, Petitioner and her family members were United States citizens.
3. Beginning January 1, 2015, Petitioner's **full-coverage MA case and/or application** was **approved** for Emergency Services Only (ESO) MA coverage.

4. On January 7, 2015, the Department issued a notice to the Petitioner indicating she might have been denied full MA coverage based on immigration status between January 2014 and May 2015.
5. On September 14, 2015, the Department issued a Benefit Notice advising the Petitioner that the Department approved Retroactive Health Care Coverage for the period January 1, 2015, through March 30, 2015.
6. On August 27, 2015, Petitioner 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, Petitioner requested a hearing disputing the Department's providing her ESO coverage as of January 1, 2015, when she was a citizen of the United States at the time of the application and so indicated her status as citizen. The Department conceded it erred when it erroneously found the Petitioner eligible for **ESO MA rather than** full MA coverage. Thereafter, the Department corrected its error and provided the Petitioner a Benefit Notice dated September 14, 2015, advising Petitioner that she was eligible for full MA for the period January 1, 2015, through March 31, 2015. The Department also testified that Petitioner's MA eligibility summary showed she had full MA coverage for the months of January 2015 through March 30, 2015.

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, 2015), p. 1. At time of application or redetermination, Petitioner and Petitioner's family member status was United States citizen and that the Department conceded that it erred when it accidentally activated ESO MA coverage. At the time of the hearing, the Department presented testimony and evidence that it had corrected the error and that Petitioner was eligible for full MA coverage for the months she and her children had been erroneously found eligible for ESO (January 1, 2015, through March 30, 2015).

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 correct its error prior to the hearing and had determined Petitioner was eligible for full MA for the period in question, January 1, 2015, through March 30, 2015, and corrected its error.

DECISION AND ORDER

Accordingly, the Department's determination and correction of ESO MA eligibility to full MA eligibility is **AFFIRMED**.



Lynn M. Ferris

Administrative Law Judge
for Nick Lyon, Director

Department of Health and Human Services

Date Mailed:

LMF / jaf

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:

