

**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.: 15-016932
Issue No.: 2001
Agency Case No.: [REDACTED]
Hearing Date: October 13, 2015
County: DHHS Special Processing Office

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 October 13, 2015, from Lansing, Michigan. The Petitioner was represented by the Petitioner. The Department was represented by [REDACTED].

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 April 14, 2014, the Petitioner applied for MA benefits. Department Exhibit 5-21.
2. On the date of MA application, the Petitioner was a United States citizen. Beginning April 2014, Petitioner's MA application was approved for Emergency Services Only (ESO) MA coverage only in error instead of full MA coverage since he was a U.S. citizen. Department Exhibit 25-27.
3. On September 15, 2015, the Department issued a notice to the Petitioner indicating he/she might have been denied full MA coverage based on immigration status between January 2014 and May 2015. Department Exhibit 28-29.

4. On August 28, 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 approval of ESO MA and the denial of full MA 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. Petitioner testified that he is a U. S. citizen and was born in Wadena, Minnesota. At time of application, Petitioner or Petitioner's family member status was U.S. Citizen.

In this case, the Petitioner applied for MA benefits on April 14, 2014. Department Exhibit 5-21. On the date of MA application, the Petitioner was a United States citizen. Beginning April 2014, Petitioner's MA application was approved for Emergency Services Only (ESO) MA coverage only in error instead of full MA coverage since he was a U.S. citizen. Department Exhibit 25-27. On September 15, 2015, the Department issued a notice to the Petitioner indicating he/she might have been denied full MA coverage based on immigration status between January 2014 and May 2015. Department Exhibit 28-29. On August 28, 2015, Petitioner requested a hearing. BEM 225.

During the hearing, the Department Caseworker stated that the Department had corrected their error. The Petitioner was eligible for full MA from April 2014. However, the Petitioner MA case closed in March 2015 because he failed to return his redetermination application. The Petitioner requested assistance to reapply from 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 did not properly determine Petitioner's immigration status or citizenship when determining MA eligibility, but has subsequently corrected their error where the Petitioner was eligible for full MA from April 2014 until his case closed in March 2015 for failure to submit redetermination application.

DECISION AND ORDER

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

Carmen G. Fahie

Carmen G. Fahie
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human
Services

Date Mailed: October 26, 2015

CGF/las

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:

