

**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.: 15-017218
Issue No.: ESO
Agency Case No.: [REDACTED]
Hearing Date: December 02, 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 December 2, 2015 from Lansing, Michigan. The Petitioner was represented by [REDACTED]. 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 Iraq, but received a green card in 2012.
2. On October 20, 2014, Petitioner applied for MA or had a redetermination of current MA benefits. [Exhibit 1, pp. 4-14].
3. On the date of MA application, the Petitioner was a permanent resident.
4. Beginning December 1, 2014, the Department denied Petitioner's application for MA coverage. [Exhibit 1, p. 16].

5. In August, 2015, 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.
6. On August 26, 2015, Petitioner requested a hearing.
7. On September 9, 2015, the Department mailed Petitioner a Notice of Health Care Coverage Determination Notice (DHS-1606) which indicated that Petitioner had full MA coverage for the following periods: November 1, 2014 through August 31, 2015 and September 1, 2015 ongoing. [Exhibit 1, pp. 18-19].

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 denial of full MA coverage. The Department, on the other hand, indicated that the issue giving rise to the request for hearing has been resolved as Petitioner's ESO coverage has been changed to 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 (10-1-2014), p. 1. Petitioner testified that his family is originally from Iraq, but they were issued green cards and became permanent residents in 2012. At time of application or redetermination, Petitioner's status was as a permanent resident. Although the Department initially determined Petitioner's MA status incorrectly, the record shows that the Department has since corrected 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.

DECISION AND ORDER

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



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

Date Mailed: **12/4/2015**

CAP/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. A copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

cc:

