

**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.: 15-017558

Issue No.: ESO

Agency Case No.: [REDACTED]

Hearing Date: November 19, 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 three-way telephone hearing was held on November 19, 2015 from Lansing, Michigan. Petitioner represented himself via telephone. 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 was born in Lebanon, but became a United States citizen in 1999.
2. On November 15, 2014, Petitioner applied for MA benefits. (Exhibit 1, pp. 5-14)
3. On the date of MA application, Petitioner was a U.S. citizen, but he mistakenly indicated on the application that he was not. (Exhibit 1, p. 2)

4. On or about December 18, 2014, the Department issued Petitioner a notice indicating that his MA application was approved for Emergency Services Only (ESO) MA coverage.
5. The Department then 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 28, 2015, the Department mailed Petitioner a Health Care Coverage Determination Notice (DHS-1606) which approved Petitioner for full MA coverage effective November 1, 2014. (Exhibit 1, pp. 17-19)

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 activation of ESO MA coverage. Although Petitioner was initially approved for ESO MA coverage, the Department representative who attended the hearing indicated that Petitioner has since been approved for full MA coverage retroactively to November 1, 2014. The documents contained in the hearing record also confirm that Petitioner has been provided with full MA coverage. (Exhibit 1, pp. 15-16)

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 (10-1-2013), p. 1. Petitioner testified that he is from Lebanon, but that he became a U.S. citizen in 1999. Although Petitioner erred when he indicated he was not a U.S. citizen on the MA assistance application, at the time of application, Petitioner's status a U.S. citizen. This is further confirmed by the record.

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.**



C. Adam Purnell
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human
Services

Date Mailed: **11/20/2015**

CAP/las

NOTICE: The law provides that within 30 days of receipt of the above Decision and Order, the Claimant may appeal it to the circuit court for the county in which he/she lives or the circuit court in Ingham County. A copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System.

cc:

