

**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.: 15-019027  
Issue No.: ESO  
Agency Case No.: [REDACTED]  
Hearing Date: December 17, 2015  
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 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 17, 2015<sup>1</sup>, from Lansing, Michigan. The Petitioner was represented by [REDACTED], husband. The Department was represented by [REDACTED], Eligibility Specialist. [REDACTED], [REDACTED] 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 November 21, 2014, Petitioner applied for MA benefits. (Department Exhibit B, pp. 5-37)

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<sup>1</sup> The Petitioner's case was held in conjunction with 15-019036, 15-019032, 15-019029, and 15-019023. The Petitioners in those four cases are Petitioner's family members and parties agreed to incorporate the hearing records for all five cases by reference as the appeals all involved the same type of action.

2. Petitioner has been a Permanent Resident of the United States since November 5, 2009. (Department Exhibit B, p. 15)
3. Petitioner's application was initially approved for Emergency Services Only (ESO) MA coverage.
4. On August 28, 2015, Petitioner requested a hearing. (Department Exhibit B, p. 2)
5. The Department subsequently determined that Petitioner meets the citizenship requirement for MA and approved full MA coverage. (Department Exhibit B, pp. 38-39)
6. On September 28, 2015, a Benefit Notice was issued to Petitioner stating she was eligible for full MA coverage beginning November 1, 2014. (Department Exhibit B, pp. 42-43)

### **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 B, 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.

For MA, an individual under specific immigration statuses is limited to emergency services for the first five years in the U.S. (BEM 225, pp. 7-8)

Petitioner's application was initially approved for ESO MA coverage. However, the Department subsequently determined that Petitioner meets the citizenship requirement and approved full MA coverage. (Department Exhibit B, pp. 38-39) On September 28, 2015, a Benefit Notice was issued to Petitioner stating she was eligible for full MA coverage beginning November 1, 2014. (Department Exhibit B, pp. 42-43) Accordingly,

the Department has already corrected their determination about MA eligibility based on Petitioner's immigration status.

**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: **1/8/2016**

CL/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:

[REDACTED]