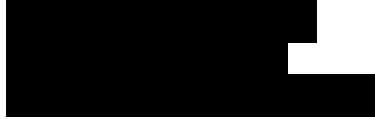


**STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**IN THE MATTER OF:**



MAHS Reg. No.: 15-019301  
Issue No.: ESO  
Agency Case No.: [REDACTED]  
Hearing Date: January 05, 2016  
County: DHHS Special Processing Office

**ADMINISTRATIVE LAW JUDGE:** Vicki Armstrong

**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 January 5, 2016, from Lansing, Michigan. Petitioner appeared and testified. The Department was represented by Eligibility Specialist [REDACTED] [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 March 15, 2015 Petitioner applied for MA benefits. (Dept Ex. A, pp 6-21).
2. On the date of MA application, the Petitioner had been a citizen of the United States since 2012. (Dept Ex. A, p 9).
3. On March 19, 2015, the Department approved Petitioner's MA application for Emergency Services Only (ESO) MA coverage. (Dept Ex. A, pp 25-27).

4. On October 8, 2015, the Department issued a Benefit Notice to Petitioner informing him that his ESO MA coverage had been converted to full healthcare coverage from March 1, 2015 through April 30, 2015. (Dept Ex. A, pp 28-29).
5. On November 30, 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 October 5, 2015, Petitioner requested a hearing. (Dept Ex. A, p 2).

### **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.

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.

In this case, Petitioner requested a hearing disputing the the ESO MA coverage. Petitioner acknowledged that he was subsequently informed that he had full MA coverage, but by then it was too late to see the doctors for his heart problem. A review of the record showed Petitioner's assistance application correctly indicated that Petitioner was a U.S. citizen and that he did have eligible immigration status at the time of application. The Eligibility Specialist testified that Petitioner has been a naturalized U.S. Citizen since 2012. The record shows that the information contained in Petitioner's MA application was correct and the Department did not properly determine Petitioner's immigration status at the time of application.

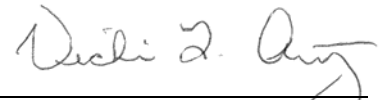
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department **did not** properly determine Petitioner's immigration status or citizenship when determining MA eligibility.

**DECISION AND ORDER**

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine MA eligibility in accordance with Department policy.
2. Notify Petitioner in writing of the Department's new MA eligibility determination.



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

Date Mailed: **1/6/2016**

VA/nr

**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:

