

**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.: 15-019934
Issue No.: ESO
Agency Case No.: [REDACTED]
Hearing Date: January 06, 2016
County: DHHS SSPC OFFICE

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 January 6, 2016, from Detroit, Michigan. The Petitioner was represented by the Petitioner, [REDACTED]. The Department was represented by [REDACTED], Assistance Payments Worker.

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 22, 2015, Petitioner applied for MA or had a redetermination of current MA benefits. Exhibit 1.
2. On the date of MA application or redetermination, Petitioner was not a United States citizen but had been a resident alien for five years or more.
3. Beginning April 1, 2014, Petitioner's **application** was **approved** for Emergency Services Only (ESO) MA coverage or denied MA coverage. Exhibit 3.

4. On a date unknown, 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.
5. On October 5, 2015, the Department issued a Benefit Notice granting full health care coverage starting April 1, 2014, for the Petitioner ongoing. Exhibit 4.
6. On August 27, 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.

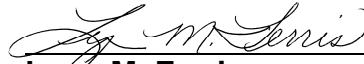
In this case, Petitioner requested a hearing disputing the ESO **MA activation and sought** full MA coverage. The Department conceded it erred when it erroneously found the Petitioner eligible for **ESO MA rather than** full MA coverage. Thereafter, the Department corrected its error and provided the Petitioner a Benefit Notice dated October 5, 2015, advising Petitioner that he was eligible for full MA for the period commencing April 1, 2014, ongoing. See Exhibits 2 and 4. The Department also testified that Petitioner's MA eligibility summary showed he had full MA coverage for the month of April 1, 2014, ongoing. The Petitioner testified that he had received a medical card and the October 5, 2015, Benefit Notice. Exhibit 4.

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, 2015), p. 1. At the time of application or redetermination, Petitioner's status was that he had been a resident alien for more than five years and that the Department conceded that it erred when it accidentally activated ESO MA coverage. The Department indicated that its records did show that the Petitioner's Resident Alien Card confirmed his status as a resident alien for more than five years although it was not presented as evidence. At the time of the hearing, the Department presented testimony and evidence that it had corrected the error and that Petitioner was eligible for full MA coverage for the months he had been erroneously found eligible for ESO (April 1, 2014, ongoing).

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 as it corrected its error and provided full MA benefits.

DECISION AND ORDER

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



Lynn M. Ferris

Administrative Law Judge

for Nick Lyon, Director

Department of Health and Human Services

Date Mailed: 01/06/2016

LMF/jaf

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:

