

**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.: 15-020115
Issue No.: ESO
Agency Case No.: [REDACTED]
Hearing Date: December 17, 2015
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 telephone hearing was held on December 17, 2015, from Detroit, Michigan. The Petitioner was represented by the Petitioner, [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. On May 23, 2015, Petitioner applied for MA benefits.
2. On the date of MA application or redetermination, Petitioner was a United States citizen but marked that he was not a citizen on the application. Exhibit 1, p. 2.
3. The Department did not verify any alien status as no alien status number was provided nor was U.S. citizenship stated on the application; instead, the Petitioner answered "No."
4. In its Hearing Summary read into the record, the Department indicated the issue prompting the hearing had been resolved.

5. Although the Petitioner did not have a hearing packet, the Hearing Summary Notice was sent to the Petitioner on September 25, 2015, to the correct address. The Notice included the Department's Hearing Summary and the documents to be presented at the hearing.
6. The Department sent the Petitioner a Benefit Notice dated September 25, 2015, advising him that he had full Medicaid coverage effective July 1, 2014, to September 30, 2014, and Group 2 MA thereafter. As of July 2014, the Petitioner's MA was not Emergency Services Only (ESO) MA. Exhibit 3.
7. The Department did not provide any information regarding whether the Medical coverage for the application month May 2014 was not included in the full coverage eligibility determination.
8. The Department did not present an eligibility summary covering May 2014.
9. Beginning July 1, 2014, to September 30, 2014, the Department found the Petitioner eligible for full-coverage MA case. The initial eligibility determination by the Department for the May 2014 application was not provided and is unknown. Exhibit 3.
10. On 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.
11. On August 23, 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 Department's denial of full MA coverage based upon his May 23, 2014, MA application. The Petitioner testified that he originally had ESO MA. The Department had no information or explanation as to why it provided full MA coverage beginning July 1, 2014, through September 30, 2014, and did not provide eligibility for full MA for the application month of May 2014. The full MA coverage eligibility determination was provided to the Petitioner because he verified he was a U.S. citizen.

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 (January 2014), p. 2. The Petitioner testified that he was a U.S. citizen at the time of the application. The Petitioner answered no to the question regarding citizenship. At the time of application, Petitioner's status was a U.S. citizen.

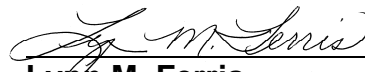
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department **did** properly determine Petitioner's immigration status or citizenship when determining MA eligibility because the application did not advise the Department that Petitioner was a citizen; however, the Department failed to demonstrate what coverage it afforded the Petitioner when it processed the May 23, 2014, MA application and why it found Petitioner eligible as of July 2014 instead of May 2014, the MA application month when it "updated the MA case." Generally, MA eligibility begins with the application month. Thus, the Department failed to meet its burden of proof to show it properly processed the case when making the update and effectuating coverage based upon U.S. citizenship.

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. The Department shall reprocess the May 23, 2014, MA application and redetermine MA eligibility in accordance with Department policy; and
2. Notify Petitioner in writing of the Department's new MA eligibility determination.



Lynn M. Ferris

Administrative Law Judge
for Nick Lyon, Director

Department of Health and Human Services

Date Mailed: **12/18/2015**

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:

