

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

IN THE MATTER OF:

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MAHS Reg. No.: 15-020297
Issue No.: ESO
Agency Case No.: ██████████
Hearing Date: January 28, 2016
County: DHHS Special
Processing Office

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 4-way telephone hearing was held on January 28, 2016, from Detroit, Michigan. Petitioner represented herself. The Department was represented by ██████████, Eligibility Specialist. ██████████ served as translator (██████████) 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. Petitioner had a redetermination of current MA benefits for August 1, 2014 ongoing.
2. On the date of MA redetermination, Petitioner was not a United States citizen.

3. Beginning August 1, 2014, the Department approved Petitioner for Emergency Services Only (ESO) MA coverage.
4. On an unknown date, the Department issued a notice to the Petitioner indicating she might have been denied full MA coverage based on immigration status between January 2014 and May 2015.
5. On August 31, 2015, the Department received Petitioner's request for 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 to challenge the Department providing her with Emergency Services Only (ESO) Medicaid (MA) rather than full-coverage MA. At the hearing, the Department acknowledged that it had determined Petitioner eligible for ESO MA coverage effective August 1, 2014 (Exhibit A, pp. 8-11). However, in processing Petitioner's hearing request, it became aware that Petitioner was a refugee, as shown on her permanent residency card by category RE (Exhibit A, p. 7). An individual who is a permanent resident alien with a class code on the permanent residency card of RE, AM or AS is eligible for full-coverage MA. BEM 225 (October 2015), p. 7-8; MREM, § 3.6. The Department testified that, because Petitioner had eligible alien status for full-coverage MA due to her refugee status, it converted her case to full-coverage MA effective August 1, 2014.

In support of its testimony, the Department presented a Medicaid eligibility summary showing that Petitioner's MA coverage was converted to full-coverage MA under the Healthy Michigan Plan effective August 1, 2014, with coverage showing as continuing as of November 2015 (Exhibit A, pp. 4-6) and a Benefit Notice dated November 2, 2015 notifying Petitioner that she was approved for full-coverage MA starting August 2014 (Exhibit A, pp. 12-13). At the hearing, the Department testified that Petitioner's full-coverage MA continued to be active as of the hearing date.

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, as of the hearing date, the Department resolved the issues resulting in Petitioner's hearing request and properly determined Petitioner's immigration status when determining MA eligibility.

DECISION AND ORDER

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



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

Date Signed: **2/3/2016**

Date Mailed: **2/3/2016**

ACE / tlf

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]
[REDACTED]
[REDACTED]
[REDACTED]