

**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.: 15-020413  
Issue No.: ESO  
Agency Case No.: [REDACTED]  
Hearing Date: December 01, 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 1, 2015, from Lansing, Michigan. The Petitioner was represented by [REDACTED], sister and Authorized Hearing Representative (AHR). 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 between January 2014 and May 2015?

**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 January 2, 2015, Petitioner applied for MA or had a redetermination of current MA benefits. (Department Exhibit A, pp. 4-20)
2. On the date of MA application or redetermination, Petitioner was not a United States citizen. (Department Exhibit A, p. 7)

3. Petitioner entered the United States on June 16, 2013. (Uncontested)
4. Petitioner's application was initially approved for Emergency Services Only (ESO) MA coverage effective September 1, 2014. (Department Exhibit A, pp. 24-25)
5. On August 28, 2015, Petitioner requested a hearing. (Department Exhibit A, p. 2)
6. The Department subsequently approved full Medicaid coverage for January 1, 2014, through July 31, 2014, and September 1, 2014, through November 30, 2015. (Department Exhibit A, pp. 21-23)
7. On November 3, 2015, a Benefit Notice was issued to Petitioner stating he was eligible for full Medicaid coverage for January 2014, through September 2014. (Department Exhibit A, pp. 26-27)

### **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.

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 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. 8-9)

The evidence in this case was rather incomplete. For example the only application/active case information included in the hearing summary packet was a January 2, 2015, Federally Facilitated Marketplace Application Transfer. (Department Exhibit A, pp. 4-20) However, the Bridges eligibility print out shows at least some type of MA coverage since December 1, 2013. (Department Exhibit A, pp. 21-23)

Accordingly, there would have been another application/active MA case prior to the January 2, 2015 application. It appears that the prior MA case closed and there was a re-application on January 2, 2015, for MA with retroactive coverage to October 2015.

Similarly, the Department did not include a copy of any documentation they received verifying Petitioner's citizenship status. However, the testimony of both parties was uncontested that Petitioner entered the United States on June 16, 2013. The Eligibility Specialist explained that Petitioner would therefore not be eligible for full MA coverage until May 2018.

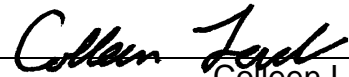
The evidence indicates Petitioner was initially approved for Emergency Services Only (ESO) MA coverage. However, on November 3, 2015, a Benefit Notice was issued to Petitioner stating he was eligible for full Medicaid coverage for January 2014, through September 2014. (Department Exhibit A, p. 27) Further, the Bridges eligibility print out shows the Department subsequently approved full Medicaid coverage for January 1, 2014, through July 31, 2014, and September 1, 2014, through November 30, 2015. (Department Exhibit A, pp. 21-23) Accordingly, for the time period the MA eligibility determination was to be reviewed for this hearing, the Department has already updated the benefit periods to full MA coverage.

If he has not already done so, Petitioner may wish to file another timely hearing request to contest the Department's more recent determination to change the coverage back to ESO MA coverage effective December 1, 2015.

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 has already updated their determination about MA eligibility based on Petitioner's immigration status for the relevant time period to full MA coverage.

**DECISION AND ORDER**

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



Colleen Lack  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human  
Services

Date Signed: **12/17/2015**

Date Mailed: **12/17/2015**

CL / 

**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:

