

**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.: 15-022874 15-022874  
Issue No.: ESO  
Agency Case No.: [REDACTED]  
Hearing Date: February 10, 2016  
County: Special Processing Office

**ADMINISTRATIVE LAW JUDGE: Christian Gardocki**

**HEARING DECISION**

Pursuant to a September 8, 2014 federal lawsuit, the Michigan Department of Health and Human Services (MDHHS) issued notices to Medicaid applicants and recipients who were potentially denied full Medicaid coverage between January 2014 and May 2015 based on immigration status. The notices included information about how to request a hearing. Petitioner filed such 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 3-way telephone hearing was held on [REDACTED], from Detroit, Michigan. Petitioner appeared and was unrepresented. MDHHS was represented by Angela Calogerakis, specialist. Pradip Das of Linguistica International appeared as a Bengali translator for Petitioner.

Hearings were requested for Petitioner (registration # 15-022874), Petitioner's spouse (Mohammed Shaid- registration # 15-022873), and Petitioner's daughter (Shandiza Shaid- registration # 15-022875). This administrative order is applicable to Petitioner and her spouse. A separate hearing decision was drafted concerning Petitioner's daughter.

**ISSUE**

The issue is whether MDHHS properly restricted Petitioner's and Petitioner's spouse's Medical Assistance (MA) eligibility to emergency-services-only (ESO) due to immigration/citizenship status.

**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 an unspecified date, MDHHS determined Petitioner and Petitioner's spouse were eligible for emergency-services-only (ESO) Medicaid, for various months, due to their failure to meet immigration status/citizenship requirements.
2. During the time in dispute, Petitioner and her spouse were eligible for MA benefits as a qualified alien or United States citizen.
3. On [REDACTED], Petitioner requested a hearing to dispute ESO Medicaid eligibility.
4. On an unspecified date, MDHHS removed all restrictions to months previously restricting Medicaid to ESO.

### **CONCLUSIONS OF LAW**

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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), Reference Tables Manual (RFT), Modified Adjusted Gross Income (MAGI) manual, and Related Eligibility Manual (REM).

Petitioner and her spouse requested hearings to dispute a Medicaid restriction of ESO. Neither Petitioner's hearing request, nor her testimony, specified which months of Medicaid were in dispute. For purposes of this decision, it will be presumed that Petitioner disputed all Medicaid eligibility months from January 2014 through May 2015.

MDHHS testimony conceded that Petitioner and her spouse's Medicaid coverage was restricted to ESO. MDHHS testimony indicated that all restricted months have since been updated to full Medicaid coverage. Petitioner responded that she was not aware of such a correction.

MDHHS presented Petitioner's Medicaid eligibility history (Exhibit 1, pp. 1-5). MDHHS also presented Petitioner's spouse's Medicaid eligibility history (Exhibit 1, pp. 1-40). Petitioner initially objected to the admission of the documents because she hadn't received them before the hearing. Later Petitioner testimony conceded she may have received the documents and threw them out because they were written in English. The documents were admitted as exhibits.

The presented Medicaid documents verified Petitioner and her spouse have "Full Medicaid Coverage" for all disputed months. Full Medicaid eligibility equates to Medicaid without restriction.

Based on presented evidence, it is found MDHHS corrected Petitioner's and her spouse's Medicaid eligibility for the period of January 2014 through May 2015 to reflect full Medicaid coverage. Thus, MDHHS resolved Petitioner's dispute concerning her and her spouse's Medicaid eligibility and there is no dispute to be remedied.

**DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that Petitioner and her spouse have no ongoing dispute concerning Medicaid eligibility. The hearing requests for Petitioner and her spouse, both dated [REDACTED] are **DISMISSED**.

*Christian Gardocki*

**Christian Gardocki**

Administrative Law Judge  
for Nick Lyon, Director

Department of Health and Human Services

Date Signed: **February 11, 2016**

Date Mailed: **February 11, 2016**

CG / hw

**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]