

**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.: 15-022992
Issue No.: ESO
Agency Case No.: [REDACTED]
Hearing Date: January 27, 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 (MA) applicants who were potentially denied full MA 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 27, 2016, from Detroit, Michigan. The Petitioner was represented by [REDACTED], the Petitioner's Authorized Hearing Representative (AHR). The Department was represented by [REDACTED] Eligibility Specialist. [REDACTED], (1) and [REDACTED], (2) served as translators during the hearing. During the hearing, translator [REDACTED] became disconnected from the call and could not be reached thereafter. The hearing translation was then completed by translator [REDACTED]

ISSUE

Did the Department properly determine Petitioner's immigration status or citizenship when determining 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 December 18, 2013, Petitioner applied for MA benefits.
2. On the date of MA application, Petitioner was not a United States (U.S.) citizen. The Petitioner indicated that he had a U.S. entry date of [REDACTED]. Exhibit 2, p.9.

3. The Petitioner provided the Department a Permanent Resident Card, which showed a U.S. entry date of [REDACTED], and a category of RE 6. The Petitioner was a refugee.
4. On November 19, 2015, the Department sent the Petitioner a Benefit Notice and found the Petitioner eligible for full coverage MA effective April 2014 through July 31, 2015. Exhibit 1.
5. Beginning November 19, 2015, the Petitioner was made eligible for **full-coverage MA; and his coverage was converted and corrected by the Department.**
6. 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.
7. On August 31, 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.

DECISION AND ORDER

In this case, Petitioner requested a hearing disputing the Department granting him ESO (Emergency Services Only) MA rather than full-coverage MA. To be eligible for full-coverage MA, 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. An individual who is a permanent resident alien with a class code on the permanent residency card other than RE, AM or AS is eligible only for ESO MA coverage for the first five years in the U.S. unless the alien is a qualified military alien or the spouse or dependent child of a qualified military alien. BEM 225, pp. 7-8, 30; MREM, § 3.6. A qualified military alien is a qualified alien on active duty in, or veteran honorably discharged from, the U.S. Armed Forces. BEM 225, p. 5; MREM, § 3.6. A person who does not meet an acceptable alien status, including undocumented aliens and non-immigrants who have stayed beyond the period authorized by the U.S. Citizenship and Immigration Services,

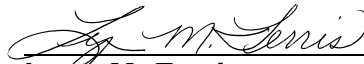
are eligible only for ESO MA coverage. BEM 225, p. 9. The alien status of each non-citizen must be verified to be eligible for full MA coverage. BEM 225, p. 2.

In this case, the Department testified that after Petitioner filed his hearing request, it reassessed his MA eligibility. Based on Petitioner's statements in his MA application that he was not a U.S. citizen but had eligible immigration status as a refugee, and that he was a permanent resident, it issued a Health Care Coverage Determination Notice, and activated full-coverage MA for Petitioner from April 1, 2014, through July 31, 2015. Exhibit 4. The Department also provided a Medicaid eligibility summary showing that Petitioner received full-coverage MA from February 1, 2014 through August 31, 2015. Exhibit 1. A review of the Petitioner's Permanent Resident Card indicates that he is a category RE 6. Exhibit 5.

For FIP, SDA and MA benefits, a permanent resident card with RE status qualifies the Petitioner for full coverage MA and is not limited to ESO. BEM 225, p. 32.

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 properly determined Petitioner's immigration status or citizenship when determining MA eligibility. If the Petitioner incurred Medical bills during the period April 2014 through July 31, 2015, he must have his provider (doctor) re-submit the bills to Medicaid.

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: **2/29/2016**

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:

