

**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.: 15-023893
Issue No.: ESO
Agency Case No.: [REDACTED]
Hearing Date: February 3, 2016
County: Special Processing Office

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

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 February 3, 2016, from Lansing, Michigan. The Petitioner was represented by her husband, [REDACTED]. Petitioner did not appear. The Department was represented by Eligibility Specialist [REDACTED]. [REDACTED] 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. On October 23, 2014, Petitioner applied for MA benefits.
2. On the date of MA application, Petitioner was not a United States citizen.
3. Beginning October 1, 2014 through December 31, 2015, Petitioner's MA application was approved for Emergency Services only.

4. On August 28, 2015, Petitioner requested a hearing.
5. Beginning December 28, 2015, Petitioner's Emergency Services Only (ESO) MA coverage was converted to full-coverage MA case from October 1, 2014 through December 31, 2015.

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 approval of only Emergency Services Only MA.

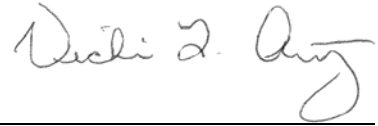
To be eligible for full MA coverage a person must be a U.S. citizen or an alien admitted to the U.S. under a specific immigration status. BEM 225 p 2 10/1/2015. Petitioner's husband testified that at the time of application, Petitioner had not lived in the United States for five years and was not a U.S. citizen.

Because Petitioner had indicated on her initial October 23, 2014 that she was a citizen or had a lawful presence in the United States, the Department converted the Emergency Services Only MA to full Medicaid. Once the Department processed the hearing request which included proof that Petitioner was not a U.S. citizen and had not been admitted to the U.S. under a specific immigration status, the Department converted Claimant's full Medicaid to Emergency Services Only beginning January 1, 2016.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did ultimately properly determine Petitioner's immigration status and citizenship when determining MA eligibility.

DECISION AND ORDER

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



Vicki Armstrong
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Mailed: **2/4/2016**

VA/nr

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:

