

**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.: 15-023983; 15-023982
Issue No.: ESO
Agency Case No.: [REDACTED]
Hearing Date: February 4, 2016
County: DHHS Special
Processing Office

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 4, 2016, from Lansing, Michigan. The Petitioner was represented by her husband [REDACTED]. The Department was represented by [REDACTED]. [REDACTED] served as Bengali language interpreter.

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 April 4, 2014, Petitioners applied for MA or had a redetermination of current MA benefits.
2. On the date of MA application or redetermination, Petitioners were not a United States citizen.

3. Beginning April 2014, Petitioners' **full-coverage MA case and/or application** was **converted/approved** for Emergency Services Only (ESO) MA coverage or denied MA coverage.
4. The Department issued a notice to the Petitioners indicating he/she might have been denied full MA coverage based on immigration status between January 2014 and May 2015.
5. On August 31, 2015, Petitioners requested a hearing.
6. Petitioners have been Resident Aliens in the United States since January 24, 2013.
7. On December 8, 2015, the Department issued a Health Care Coverage Determination Notice activating Full Coverage Medicaid based on an attestation that Petitioner had lawful presence.

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 **conversion to ESO MA and/or activation/denial** of full MA coverage. On April 28, 2014, the Department issues a Health Care Coverage Determination approving Emergency Services Only Medicaid. Petitioner has been a Permanent Resident in the United States since January 24, 2013. Petitioner did not dispute this at hearing.

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 (October 2012), p. 32. Petitioner testified that she is from Bangladesh. At time of application or redetermination, Petitioner's status was resident alien for fewer than 5 years. Permanent residents who have been residing in the United States for fewer than 5 years are not entitled to full Medicaid. The Department activated Full Coverage Medicaid on December 8, 2015, based on an attestation from [REDACTED] that she had lawful presence, this was in error.

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 acted properly in determining [REDACTED] and [REDACTED] MA eligibility.

DECISION AND ORDER

Accordingly, the Department's determination about MA eligibility for [REDACTED] and [REDACTED] based on immigration status is **AFFIRMED**.



Aaron McClintic
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Mailed: **2/11/2016**

AM/las

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. A copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

cc:

