



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
Christopher Seppanen  
Executive Director

MIKE ZIMMER  
DIRECTOR

[REDACTED]

Date Mailed: April 13, 2016  
MAHS Docket No.: 15-025319 15-025320  
Agency No.: [REDACTED]  
Petitioners: [REDACTED]

**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 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.*

A single hearing was conducted concerning two different hearing requests; the requests were for [REDACTED] (registration # 15-025319) and [REDACTED] (registration # 15-025320). For purposes of this decision, [REDACTED] are both considered as petitioners. This hearing decision is controlling on both hearing requests.

After due notice, a 3-way telephone hearing was held on April 7, 2016, from Detroit, Michigan. Petitioners appeared and were unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], specialist. [REDACTED] of [REDACTED] appeared as a [REDACTED] translator for Petitioners.

**ISSUE**

The issue is whether MDHHS properly restricted Petitioners' Medical Assistance (MA) eligibility to emergency-services-only (ESO) due to Petitioners' 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 Petitioners to be eligible for Medicaid restricted to ESO, effective, January 2014.
2. During the time in dispute, Petitioners were eligible for unrestricted Medicaid benefits.
3. On [REDACTED] Petitioners requested a hearing to dispute the restriction of ESO Medicaid.
4. On an unspecified date, MDHHS issued unrestricted Medicaid coverage to Petitioners for the months from January 2014 and at least through May 2015.

### **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).

Petitioners requested a hearing to dispute an ESO restriction of Medicaid eligibility. It was not disputed that MDHHS imposed the restriction to Petitioners' Medicaid eligibility beginning January 2014.

Per federal order, the jurisdiction of the present hearing is limited to benefit months through May 2015. Thus, the analysis of Petitioner's Medicaid eligibility will be limited to benefit months from January 2014 through May 2015.

MDHHS testimony indicated all disputed benefit months have since been updated to reflect no restriction on Petitioners' Medicaid eligibility. MDHHS presented documentation to verify their testimony.

MDHHS presented Medicaid Eligibility documents (Exhibit 1, pp. 2-7) dated [REDACTED]. Medicaid Eligibility documents summarize a person's Medicaid eligibility for past months. The documents verified both petitioners received "Healthy Michigan Plan" as a "Permanent resident alien" for all months from January 2014 through October 2015. Medical coverage after October 2015 was absent.

As a courtesy, Petitioners' and their children's ongoing Medicaid coverage was discussed during the hearing. MDHHS indicated Petitioners' adult children receive unrestricted ongoing Medicaid. MDHHS also indicated Petitioners' and their minor child's Medicaid coverage is suspended pending further income documents. If

Petitioners dispute the suspension of Medicaid eligibility for themselves or their child, a new hearing request must be submitted. The present hearing is limited to ESO restrictions from before May 2015; a dispute of income-eligibility after October 2015 is beyond the scope of Petitioner's hearing request.

Though the eventual upgrade of Petitioners' MA eligibility was not ideal, it is the maximum remedy Petitioners can receive. It is found MDHHS resolved Petitioners' MA eligibility dispute; accordingly, Petitioners' hearing request will be dismissed.

### **DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS issued full Medicaid coverage to Petitioners for the period from January 2014 through May 2015. Petitioner's hearing request is **DISMISSED**.

CG/hw



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**Christian Gardocki**

Administrative Law Judge

for Nick Lyon, Director

Department of Health and Human Services

**NOTICE OF APPEAL:** A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; Attention: MAHS Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-8139

**DHHS**

[REDACTED]

**Petitioner**

[REDACTED]