



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: May 2, 2016  
MAHS Docket No.: 15-025570  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Darryl Johnson

### **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 April 27, 2016, from Lansing, Michigan. The Petitioner represented himself. The Department was represented by [REDACTED], Eligibility Specialist.

### **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 March 14, 2014 Petitioner applied for MA and informed the Department that he had outstanding medical bills from January and February 2014.
2. On the date of MA application, Petitioner was a United States citizen.

3. Beginning April 1, 2014, Petitioner's application was approved for Emergency Services Only (ESO) MA coverage.
4. On August 18, 2015, 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.
5. 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.

In this case, Petitioner requested a hearing disputing the denial of full MA coverage. He was provided ESO coverage from April 2014 through March 2015. He had reapplied for MA on September 7, 2014. The Department was able to provide a copy of the September 7, 2014 application (Exhibit 1 Pages 6 et seq.) but they could not provide a copy of the March 14, 2014 application. They provided a copy of the April 8, 2014 Health Care Coverage Determination Notice (Exhibit 1 Pages 25 et seq.) in which they informed him that he was receiving ESO, and he was not eligible for the Healthy Michigan Plan because he was not under 21, even though he was under 21 at the time.

The Department submitted a February 20, 2015, Determination (Exhibit 1 Pages 29 et seq.) informing him that his MA was closed because he did not timely submit a Redetermination form. They also provided a copy of a March 4, 2016, Determination stating he was eligible for full MA coverage from April 1, 2014 through March 31, 2015 (Exhibit 1 Pages 32 et seq.).

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 (1/1/14), p. 2. Petitioner testified that he is a United States citizen. The Department does not dispute that, at time of application, Petitioner was a citizen. A person claiming U.S. citizenship is not

eligible for ESO coverage. BEM 225, p. 2. U.S. citizenship must be verified with an acceptable document to continue to receive Medicaid. BEM 225, p. 2.

Here, the Petitioner testified that he applied in March 2014 for MA because he had outstanding medical bills. His application was only approved for ESO, even though he was not eligible for ESO because he was a U.S. citizen. The Department partially corrected the error by granting him full coverage beginning in April 2014. They did not fully correct the error, however, because they did not provide him with the retroactive benefits he was seeking. Had they properly determined his MA eligibility at the time, they would have provided him with retroactive MA.

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 did not properly determine Petitioner's immigration status or citizenship when determining MA eligibility.

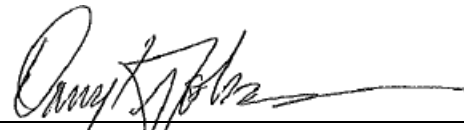
### **DECISION AND ORDER**

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine MA eligibility in accordance with Department policy as of March 14, 2014, including retroactive MA.
2. Notify Petitioner in writing of the Department's new MA eligibility determination.

DJ/mc



---

**Darryl Johnson**  
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]

[REDACTED]

**Petitioner**

[REDACTED]