

**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.: 15-017106
Issue No.: ESO
Agency Case No.: [REDACTED]
Hearing Date: December 16, 2015
County: DHHS Special Processing

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

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. The 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 December 16, 2015, from Lansing, Michigan. The Petitioner was appeared and testified. The Department was represented by Eligibility Specialist, [REDACTED]. Arabic interpreter [REDACTED] served as translator during the hearing.

ISSUE

Did the Department properly determine the 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 26, 2014, the Petitioner applied for MA or had a redetermination of current MA benefits.
2. On the date of MA application or redetermination, the Petitioner was not a United States citizen.

3. Beginning April, 2014, the Petitioner's application was approved for Emergency Services Only (ESO) MA coverage or denied MA coverage.
4. The Department issued a notice to the Petitioner indicating /she might have been denied full MA coverage based on immigration status between January 2014 and May 2015.
5. On August 27, 2015, the 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.

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 (2015), pp. 2, 3. At time of application, the Petitioner failed to verify or even represent that she had been in the country for five years.

In this case, the Petitioner requested a hearing disputing the denial of full MA coverage. During the hearing, the Petitioner testified that she improperly completed the application for assistance due to her language difficulties. The Eligibility Specialist informed the Petitioner that the Petitioner could reapply for MA for her children at any time as that case was denied for failure to return the redetermination. The Eligibility Specialist also informed the Petitioner that she is now also be eligible for full MA back to April 2015. However, the Petitioner was also cautioned by the Eligibility Specialist and this Administrative Law Judge that she needs to complete redetermination papers that were just sent to her to continue to be eligible.

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 properly determine the 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 **AFFIRMED**.

Susanne E. Harris

Susanne E. Harris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Mailed:

SEH/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:

[REDACTED]