

**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.: 15-017592
Issue No.: ESO
Agency Case No.: [REDACTED]
Hearing Date: January 05, 2016
County: DHHS Special Processing Office

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

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 January 5, 2016, from Lansing, Michigan. The Petitioner was represented by [REDACTED] (Authorized Hearing Representative or “AHR”). Petitioner appeared and provided testimony. 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. Petitioner is from Bangladesh. [Exhibit 1, p. 27].
2. Petitioner came to the United States in April, 2010.
3. On April 14, 2010, Petitioner became a permanent resident. [Exh. 1, p. 27].
4. On April 2, 2014, Petitioner applied for MA or had a redetermination of current MA benefits. [Exh. 1, pp. 4-17].

5. On the date of MA application, the Petitioner was a citizen of Bangladesh, but was a permanent resident. [Exh. 1, p. 10].
6. Beginning April, 2014 through November, 2014, the Department approved Petitioner's MA application for Emergency Services Only (ESO) MA coverage.
7. The Department did not provide Petitioner with formal notification that his MA application was approved for ESO coverage.
8. On January 23, 2015, the Department mailed Petitioner a Health Care Coverage Determination Notice (DHS-1606) which indicated that he was eligible for MA from January 1, 2015 ongoing. [Exh. 1, p. 23].
9. In August, 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.
10. On August 28, 2015, Petitioner requested a hearing.
11. On September 25, 2015, the Department mailed Petitioner a Benefit Notice (DHS-176) which indicated that he was still eligible for health care coverage effective February 1, 2015 ongoing. [Exh. 1, pp. 22-23].

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), 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 activation of ESO MA coverage. The Department representative who attended the hearing admitted that the Department did not properly process Petitioner's April 2, 2014 MA application.

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 (10-1-2014), p. 1. The record showed that Petitioner, at the time of application, was a permanent resident. [Exh. 1, p. 27]. The record does not show the Department had a reason to deny Petitioner full MA

benefits at the time. The Department received Petitioner's permanent resident card on August 28, 2015.

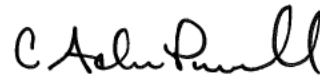
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department **did not** properly determine Petitioner's immigration status or citizenship when determining MA eligibility.

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, if not already done.
2. Notify Petitioner in writing of the Department's new MA eligibility determination, if not already done.



C. Adam Purnell
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human
Services

Date Mailed: **1/5/2016**

CAP/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:

