

**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.: 15-018449
Issue No.: ESO
Agency Case No.: [REDACTED]
Hearing Date: January 14, 2016
County: DHHS SPECIAL PROCESSING

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 4-way telephone hearing was held on January 14, 2016, from Detroit, Michigan. The Petitioner, [REDACTED], a minor child, was represented by his mother, [REDACTED]. The Department was represented by [REDACTED], Eligibility Specialist. [REDACTED], of [REDACTED], served as translator during the hearing.

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 December 29, 2014, Petitioner applied for MA.
2. On the date of MA application, Petitioner was not a United States citizen and did not indicate that she (mother) had eligible immigration status or that her child, Petitioner, had legal immigration status.

3. The Petitioner was given Special Immigrant Status as a Refugee under Section 207 as an Iraqi on December 27, 2014. BEM 225 p.32
4. The Department issued a Health Care Coverage notice on October 7, 2015, noting that Petitioner, [REDACTED], was eligible for full coverage from September 1 2014 through November 20, 2014. Exhibit 1
5. The eligibility summary provided with the hearing summary indicated Full Medicaid Coverage from September 2014, ongoing through October 1, 2015. Exhibit 2
6. Beginning September 1, 2014 Petitioner's application was **converted** and **approved** for Emergency Services Only (ESO) MA coverage by Health Care Coverage Determination Notice, dated December 29, 2014 in error.
7. On a date unknown, 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.
8. On August 28, 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.

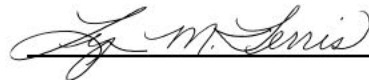
In this case, Petitioner requested a hearing disputing the **conversion to ESO MA and denial** of full MA coverage. At the hearing the Department presented evidence that the Department has corrected the ESO coverage based upon the eligibility summary admitted at the hearing printed October 1, 2015. Exhibit 2. The Petitioner's mother also confirmed that her child had been given full Medicaid coverage and she was satisfied with the outcome. To be eligible for full-coverage MA, a person must be a U.S. citizen or an alien admitted to the U.S. under a specific immigration status. BEM 225 (January 2014), p. 2. Based upon the immigration cards, the Petitioner was eligible based on Special Immigrant Status under Section 207 for Iraqi immigrants. BEM 225 (October 1,

2015) p. 32. The alien status of each non-citizen must be verified to be eligible for full MA coverage. BEM 225, p. 2. Thus even though the Department's Health Care Coverage Determination Notice did not coincide with the eligibility summary the Department adequately established that it had corrected its initial 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 **did** 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 **AFFIRMED**.



Lynn M. Ferris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **2/12/2016**

Date Mailed: **2/12/2016**

LMF/tm

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:

