

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

IN THE MATTER OF:



MAHS Reg. No.: 15-023553
Issue No.: ESO
Agency Case No.: [REDACTED]
Hearing Date: January 28, 2016
County: DHHS Special Processing Office

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

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 28, 2016, from Lansing, Michigan. Petitioner personally appeared and testified. The Department was represented by Eligibility Specialist [REDACTED] [REDACTED]

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 June 1, 2014, Petitioner applied for MA benefits.
2. The Hearing Summary indicates Petitioner never submitted an MA application. (Dept Ex. A, p 1).
3. Eligibility Specialist Fulton testified that Petitioner's June 1, 2014 MA application was never processed.

4. On August 31, 2015, Petitioner requested a hearing. (Dept Ex. A, p 2).

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 an MA hearing and attached a copy of documentation indicating he has been a permanent resident since July 3, 2012.

Eligibility Specialist ██████ read the Hearing Summary into evidence which indicated that the Petitioner had never applied for MA benefits. However, Eligibility Specialist ██████ then testified that the DHHS computer system, Bridges, showed an MA application dated June 1, 2014 for MA and the Food Assistance Program (FAP), and it appeared the MA portion of the application had not been processed.

The Department's policy states:

Following registration of the application, do **all** of the following:

- Interview clients when required by policy; see INTERVIEWS in this item.
- Certify eligibility results for each program within the applicable standard of promptness (SOP).
- Bridges automatically generates a client notice informing them of the eligibility decision. Bridges Administrative Manual (BAM) 220 explains the use of client notices. BAM 115, p 1 (1/1/2016).

The standard of promptness (SOP) begins the date the Department receives an application/filing form, with the minimum required information. BAM 115, p 14. For MA, the program approval or denial of the application must be certified within 45 days. *Id.* Bridges automatically generates the client notice. *Id.*

In this case, as of the hearing date, the MA application dated June 1, 2014 still had not been processed. Therefore, the Department failed to timely process Petitioner's MA application within the Department's standards of promptness.

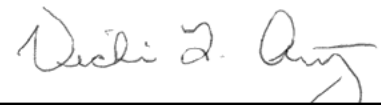
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did not properly determine Petitioner's immigration status or citizenship because the Department failed to process Petitioner's MA application.

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. Process Petitioner's MA application dated June 1, 2014 in accordance with Department policy.
2. Notify Petitioner in writing of the Department's MA eligibility determination.
3. Award Petitioner any retroactive MA benefits if Petitioner is otherwise eligible to receive them.



Vicki Armstrong
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

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

VA/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:

