



RICK SNYDER  
GOVERNOR

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

MIKE ZIMMER  
DIRECTOR

[REDACTED]

Date Mailed: March 23, 2016  
MAHS Docket No.: 15-024158  
Companion No.: 15-024157 15-024156  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Christian Gardocki**

**HEARING DECISION**

Pursuant to a September 8, 2014 federal lawsuit, the Michigan Department of Health and Human Services (MDHHS) issued notices to Medicaid applicants and recipients who were potentially denied full Medicaid coverage between January 2014 and May 2015, based on immigration status. The notices 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 3-way telephone hearing was held on March 16, 2016, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], specialist. [REDACTED], Petitioner's nephew, appeared as a translator for Petitioner.

A single hearing was conducted concerning three different hearing requests; the requests were for Petitioner (registration # 15-024158), and Petitioner's two children, [REDACTED] (registration # 15-024157) and [REDACTED] (registration # 15-024156). This hearing decision is controlling on all three hearing requests.

**ISSUE**

The issue is whether MDHHS properly restricted Petitioner's and her children's Medical Assistance (MA) eligibility to emergency-services-only (ESO) due to immigration/citizenship status.

**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 an unspecified date, MDHHS determined Petitioner and her children to be eligible for Medicaid restricted to ESO, effective, January 2014.
2. On [REDACTED], Petitioner requested a hearing to dispute the restrictions of ESO Medicaid.
3. On an unspecified date, MDHHS issued unrestricted Medicaid coverage to Petitioner for the months from January 2014 and at least through May 2015.

### **CONCLUSIONS OF LAW**

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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), Reference Tables Manual (RFT), Modified Adjusted Gross Income (MAGI) manual, and Related Eligibility Manual (REM).

Petitioner requested a hearing to dispute an ESO restriction of Medicaid eligibility. The restriction applied to her two children and herself. Petitioner's hearing request did not specify which months were disputed. Hearing testimony established MDHHS imposed the restriction on Petitioner and her children beginning January 2014.

Per federal order, the jurisdiction of the present hearing is limited to benefit months not past May 2015. Thus, the analysis of Petitioner's Medicaid eligibility will be limited to benefit months from January 2014 through May 2015.

MDHHS testimony indicated all disputed benefit months have since been updated to reflect no restriction on Petitioner's and her children's Medicaid eligibility. MDHHS presented documents to verify the testimony.

MDHHS presented various Medicaid Eligibility documents (Exhibit 1, pp. 1-15) dated [REDACTED], and [REDACTED]. Medicaid Eligibility documents summarize a person's Medicaid eligibility for past months. The documents verified Petitioner and her two children received "Full Medicaid coverage" for all months from January 2014 through December 2015.

It was curious that presented Medicaid history documents also indicated Petitioner's and her children's ongoing Medicaid eligibility indicate an ESO restriction. MDHHS testimony indicated the previous upgrade in Medicaid coverage was issued despite Petitioner and her children not being eligible for "Full Medicaid coverage." The testimony appears to be consistent with MDHHS policy, however, no finding can be made as Petitioner's MA eligibility from January 2016 is outside the scope of the hearing's jurisdiction.

Though the eventual update of Petitioner's and her children's MA eligibility was not ideal, it is the maximum remedy Petitioner can receive. It is found MDHHS resolved Petitioner's MA eligibility dispute; accordingly, Petitioner's hearing request will be dismissed.

### **DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS issued full Medicaid coverage to Petitioner and her two children for the period from January 2014 through May 2015. Petitioner's hearing request is **DISMISSED**.

CG/hw



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**Christian Gardocki**

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]

**Petitioner**

[REDACTED]