



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: June 14, 2016  
MAHS Docket No.: 16-004736  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Gary Heisler

### **HEARING DECISION**

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on May 10, 2016, from Lansing, Michigan. Petitioner was represented by her Attorney [REDACTED] of Legal Services of South Central Michigan. Eligibility Specialist [REDACTED] and Assistance Payments Supervisor [REDACTED] appeared for the Department and testified. Department's Exhibit A, pages 1 - 14 was admitted into evidence. Petitioner's Exhibit 1, pages 1-7 was admitted into evidence.

### **ISSUE**

Did the Department properly determine Petitioner's Medical Assistance (MA) eligibility on March 14, 2016?

### **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 Legal Permanent Resident who has not been in the country five years.
2. On July 8, 2015, Petitioner applied for medical coverage and indicated she was pregnant.
3. In February 2016, Petitioner gave birth to her son.
4. On February 22, 2016, the Department received information regarding the birth of Petitioner's son.

5. On March 14, 2016, Petitioner was sent a Health Care Coverage Determination Notice (DHS-1606) which stated she was eligible for full coverage Medical Assistance (MA) March 1-31, 2016 and Emergency Services Only from April 1, 2016 ongoing. The Notice also stated Petitioner's son was eligible for Emergency Services from February 1-29, 2016.
6. On April 4, 2016, Petitioner submitted a hearing request.

### **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 (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Bridges Eligibility Manual (BEM) 225 Citizenship/Alien Status (10-1-2015) at page 8, directs that permanent resident aliens must reside in the United States for five years before they are eligible for full Medical Assistance (MA).

In this case the parties agree that Petitioner is not eligible for full Medical Assistance (MA) and that her son is eligible for full Medical Assistance (MA). The Department has made efforts to correct the March 14, 2016 eligibility determination but has still not managed to get the proper coverage recorded for Petitioner. 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 act in accordance with Department policy when it determined Petitioner's Medical Assistance (MA) eligibility on March 14, 2016.

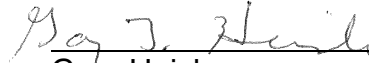
### **DECISION AND ORDER**

Accordingly, the Department's decision 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. Re-determine Petitioner's Medical Assistance (MA) eligibility in accordance with Department policy and issue current notice of the correct MA eligibility.

GH/nr



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Gary Heisler  
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]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]