



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED]

Date Mailed: December 19, 2016  
MAHS Docket No.: 16-016453

[REDACTED]  
[REDACTED]

**ADMINISTRATIVE LAW JUDGE: Vicki Armstrong**

**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 December 1, 2016, from Lansing, Michigan. The Petitioner was represented by his [REDACTED]. Petitioner was not present.

The Department of Health and Human Services (Department) was represented by Family Independent Manager [REDACTED] and Eligibility Specialist [REDACTED] [REDACTED] and [REDACTED] testified on behalf of the Department. The Department submitted [REDACTED] exhibits which were admitted into evidence. The record was closed at the conclusion of the hearing.

**ISSUE**

Did the Department properly deny Petitioner’s Medicaid application based on his failure to prove his citizenship?

**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 August 22, 2016, Petitioner applied for Medicaid. [Dept. Exh. 22-27].

2. On August 22, 2016, [REDACTED] issued Petitioner a letter indicating he had been receiving a monthly pension since July 1, 2000, in the amount of [REDACTED] [Dept. Exh. 17-18].
3. On August 24, 2016, the Department issued a Verification Checklist to Petitioner with a due date of September 6, 2016, requesting proof of citizenship and a copy of his social security card. [Dept. Exh. 20-21].
4. Petitioner submitted a copy of the I-151, Alien Registration Receipt Card. The card indicated that Petitioner had been a resident alien since May 5, 1951. [Dept. Exh. 6, 28].
5. Petitioner also submitted a letter from the Social Security Administration dated September 8, 2016, indicating Petitioner's resident status was pending. [Dept. Exh. 7].
6. On September 28, 2016, the Department issued a Health Care Coverage Determination Notice indicating Petitioner's application had been denied because he failed to allow the Department to verify information necessary to determine eligibility for Medicaid. [Dept. Exh. 2-5].
7. On October 12, 2016, the Social Security Administration issued a letter to Petitioner indicating that the status of his SSA benefits was pending, based on his legal alien status in the United States. [Dept. Exh. 16].
8. On October 24, 2016, Petitioner submitted a Request for Hearing, contesting the Department's denial.

### **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.

Pursuant to Department policy BEM 225, the Department is responsible for determining the alien status of each noncitizen requesting benefits at application. BEM 225, p 1

(10/1/2015). The alien status of each non-citizen requesting benefits **MUST** be verified. *Id.* at 20. A person must be a U.S. citizen or have an acceptable alien status for the designated programs. *Id.* Persons who do not meet this requirement, or who refuse to indicate their status, are disqualified. *Id.*

On August 22, 2016, an application was submitted for Medicaid on Petitioner's behalf. On the application, Petitioner's legal conservator noted that Petitioner was not a U.S. citizen and that he had a green card. A Verification Checklist was mailed to Petitioner requesting verification of citizenship and a copy of his social security card.

Petitioner submitted an I-151 showing he was admitted into the United States on May 5, 1951. [Dept. Exh. 6]. Also submitted on behalf of Petitioner was a letter from the Social Security Administration dated September 8, 2016, indicating Petitioner's resident status was pending. [Dept. Exh. 7].

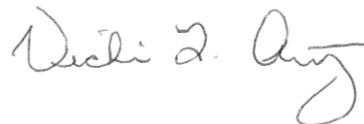
Pursuant to Department Policy BEM 225, a permanent resident alien status is indicated on an I-151 issued before June 1978 or I-151. *Id.* at 26. The policy indicates that an I-151 is not acceptable for Medicaid, and it must be replaced with the I-551. The policy continues and explains that the date of entry is not an eligibility factor for permanent resident aliens presenting an I-151. *Id.* However, the I-151 is not acceptable for MA and must be replaced with I-551. *Id.* at 29.

In this case, Petitioner indicated on his application that he was not a U.S. citizen and held a green card. However, the green card that Petitioner submitted is the I-151. Policy is very clear that the I-151 is not acceptable for the Medicaid program and must be replaced with the I-551. Petitioner's legal conservator credibly testified that she was in the process of obtaining an I-551 and a social security card on behalf of Petitioner. Therefore, the Department properly followed policy when Petitioner was unable to verify his citizenship by producing an I-551 or social security card.

### **DECISION AND ORDER**

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 acted in accordance with Department policy when it denied Petitioner's Medicaid application.

Accordingly, the Department's decision is **AFFIRMED**.



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**Vicki Armstrong**

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

[REDACTED]

[REDACTED]  
[REDACTED]  
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