



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

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Date Mailed: March 6, 2017
MAHS Docket No.: 17-001386

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ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 March 1, 2017, from Lansing, Michigan. The Petitioner was represented by herself. Petitioner's husband ██████████ also appeared and testified. The Department of Health and Human Services (Department) was represented by ██████████ AP Supervisor. ██████████ ES also testified for the Department. Department Exhibit 1, pp.1-16 was received and admitted.

ISSUE

Did the Department properly determine that Petitioner was only eligible for Emergency Services Only (ESO) Medicaid (MA) due to her immigration 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 January 23, 2016, Petitioner entered the United States and applied for asylum.
2. Petitioner's application for asylum is still pending.
3. Prior to entering the United States, Petitioner was living in ██████████

4. On October 26, 2016, Petitioner was granted an employment authorization.
5. On January 5, 2017, a Health Care Coverage Determination Notice was issued informing Petitioner that she was eligible for Emergency Services Only Medicaid.
6. On January 23, 2017, Petitioner requested hearing contesting the determination of ESO Medicaid.

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.

To be eligible for full MA coverage a person must be a U.S. citizen or an alien admitted to the U.S. under a specific immigration status. BEM 225 (October 2016), p. 32. Petitioner testified that she is from [REDACTED]. At time of application Petitioner's status was asylum applicant.

In this case, since Petitioner is an asylum applicant she is only eligible for ESO coverage. BEM 225 Petitioner testified that she had surgery approximately a year ago and needs to have follow up treatment. Unfortunately, the undersigned administrative law judge does not have the authority to award coverage based on the specific need of the Petitioner. The Department's determination that Petitioner was only eligible for ESO coverage was proper and correct based on Petitioner's immigration status. BEM 225

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, if any, finds that the Department acted in accordance with Department policy when it determined that Petitioner was eligible for Emergency Services Only Medicaid.

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




Aaron McClintic
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

