



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: September 14, 2017
MAHS Docket No.: 17-008736
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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. After due notice, telephone hearing was held on August 30, 2017, from Lansing, Michigan. The Petitioner represented himself and his wife [REDACTED] [REDACTED] testified on his behalf. The Department was represented by [REDACTED]

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for Medical Assistance (MA) benefits?

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 4, 2016, the Department received Petitioner's application for Medical Assistance (MA) benefits. Exhibit A, pp 1-28.
2. Petitioner's wife is a permanent resident alien whose most recent date of entry was June 10, 2016. Exhibit A, p 29.
3. On March 29, 2017, the Department notified Petitioner that his wife was eligible for Medical Assistance (MA) benefits but limited to Emergency Services Only (ESO). Exhibit A, pp 30-33.
4. On June 22, 2017, the Department received Petitioner's request for a hearing protesting the level of Medical Assistance (MA) that his wife was granted.

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.

An alien admitted into the U.S. as a permanent resident alien is limited to emergency services Medicaid for the first five years in the U.S. Department of Health and Human Services Bridges Eligibility Manual (BEM) 225 (July 1, 2017), p 8.

On August 4, 2016, the Department received Petitioner's application for assistance seeking MA benefits for his wife. Petitioner's wife is a permanent resident whose most recent date of entry into the U.S. was June 10, 2016. On March 29, 2017, the Department notified Petitioner that his application for MA had been approved but that his wife was limited to ESO benefits only.


Despite Petitioner's sincere need for additional medical coverage, Department policy limits his wife to emergency services (ESO) benefits during her first five years in the U.S. based on her immigration status.

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 Petitioner's eligibility for Medical Assistance (MA) when it limited his wife to Emergency Services Only (ESO).

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
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]