



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: September 24, 2018
MAHS Docket No.: 18-008542
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; 42 CFR 431.200 to 431.250; 42 CFR 438.400 to 438.424; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on September 19, 2018, from Lansing, Michigan. [REDACTED] [REDACTED] Petitioner, appeared with her brother, [REDACTED] [REDACTED] Sr. Petitioner did not have any additional witnesses. Adam Slate, Hearing Facilitator, appeared for the Department.

Two exhibits were admitted into evidence during the hearing. A 70-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A, and 24 pages provided by Petitioner were admitted collectively as Petitioner's Exhibit 1.

ISSUE

Did the Department properly determine Petitioner's Medical Assistance (MA)?

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 [REDACTED], 2017, Petitioner applied for MA from the Department. In Petitioner's application, Petitioner asserted that she was not a US citizen and that she did not have eligible immigration status.
2. On September 26, 2017, the Department issued Health Care Coverage Determination Notice which notified Petitioner that she was eligible for full-coverage MA. The Department also mailed Petitioner one Verification Checklist to obtain her social security number to determine her eligibility for MA and a second

Verification Checklist to obtain proof of her citizenship to determine her eligibility for MA.

3. Petitioner did not respond to the Department's requests for verification.
4. On June 6, 2018, the US Citizenship and Immigration Services notified Petitioner that it had received Petitioner's application for asylum and advised her that she may remain in the US while her application is pending.
5. On July 5, 2018, the Department issued a Redetermination to Petitioner to obtain information from Petitioner to review her eligibility for MA. The Department advised Petitioner that a response was due by August 6, 2018.
6. On July 11, 2018, the Department issued a Health Care Coverage Determination Notice which notified Petitioner that she was not eligible for MA because her social security number and proof of citizenship were not provided.
7. On August 3, 2018, Petitioner responded to the Department's July 5 Redetermination. In Petitioner's response, Petitioner asserted that she was not a US citizen and that she was pending asylum.
8. On August 6, 2018, the Department issued a Health Care Coverage Determination Notice which notified Petitioner that she was eligible for Emergency Services Only (ESO) MA beginning August 1, 2018. The Department notified Petitioner that she was not eligible for full-coverage MA because she was not a US citizen or eligible immigrant.
9. On August 13, 2018, Petitioner filed a hearing request to dispute the Department's decision to find her ineligible for full-coverage MA.
10. Petitioner is currently waiting for a decision from US Citizenship and Immigration Services on her request for asylum.

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-coverage MA, an individual must be a US citizen, or an alien admitted to the US under a specific immigration status. BEM 225 (July 1, 2017), p. 2. Citizenship or immigration status must be verified to be eligible. BEM 225, p. 2. Here, Petitioner did not present any evidence to establish that she was either a US citizen or an acceptable status. Petitioner has applied for asylum, but she has not been granted asylum yet. The Department's policy states an individual that has been granted asylum has an acceptable status. BEM 225, p. 5-7. The Department's policy does not state that an individual who has applied for asylum is an acceptable status. BEM 225, p. 5-7. An individual who is not a US citizen or an acceptable status, is only eligible for ESO MA. The Department applied its policy correctly when it found Petitioner ineligible for full-coverage MA and only eligible for ESO MA.

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 did act in accordance with its policies and the applicable law when it issued its August 6, 2018, Health Care Coverage Determination which found Petitioner ineligible for full-coverage MA.

IT IS ORDERED the Department's decision is AFFIRMED.

JK/nr



Jeffrey Kemm
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) 763-0155; 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

Renee Olian
322 Stockbridge
Kalamazoo, MI
49001

Kalamazoo County DHHS- via electronic
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BSC3- via electronic mail

D. Smith- via electronic mail

EQAD- via electronic mail

Petitioner

[REDACTED]
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[REDACTED]