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

RICK SNYDER
GOVERNOR

SHELLY EDGERTON
DIRECTOR

Date Mailed: January 3, 2018
MAHS Docket No.: 17-012821
Agency No.: █████████
Petitioner: ██████████

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 December 5, 2017, from Lansing, Michigan. The Petitioner represented herself. The Department was represented by Candice Benns, Hearing Facilitator.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for 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 December 1, 2016, the Department notified Petitioner that she was approved for full coverage Medical Assistance (MA) as of November 1, 2016. Exhibit A, p 7.

2.   On December 1, 2016, the Department requested that Petitioner provide verification of her social security number by December 12, 2016. Exhibit A, p 10.

3.   On December 1, 2016, the Department requested that Petitioner provide verification of her US Citizenship by March 1, 2017. Exhibit A, p 11.

4.   On February 14, 2017, the Department notified Petitioner that she was not eligible for Medical Assistance (MA) effective March 1, 2017. Exhibit A, p 14.

5.   On March 7, 2017, the Department notified Petitioner that she was approved for full coverage Medical Assistance (MA) effective March 1, 2017. Exhibit A, p 18.

6.   On March 7, 2017, the Department requested that Petitioner provide verification of the US Citizenship of other members of her household by March 1, 2017. Exhibit A, p 21.

7.   On March 7, 2017, the Department requested that Petitioner provide verification of US Citizenship by March 1, 2017. Exhibit A, p 23.

8.   On March 8, 2017, the US Department of Homeland Security received Petitioner's asylum applications for herself and three members of her household. Exhibit A, pp 24-27.

9.   On April 5, 2017, the Department notified Petitioner that she was approved for Medical Assistance (MA) with Emergency Services Only (ESO) effective May 1, 2017. Exhibit A, p 28.

10.   On June 2, 2017, the Social Security Administration notified a member of Petitioner's household that a social security number would not be issued at that time. Exhibit A, p 32.

11.   On October 4, 2017, the Department received Petitioner's request for a hearing protesting the Department's determination of her eligibility for Medical Assistance (MA). Exhibit A, pp 2-4.

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.

In this case, Petitioner requested a hearing disputing the conversion to ESO MA and/or activation/denial of full MA coverage.

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 (July 1, 2017), pp 2-3.
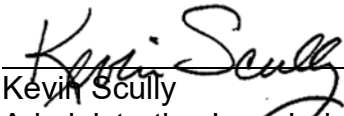
Petitioner is not a US Citizen. Petitioner was approved for ESO MA on April 5, 2017, for herself and the other members of her household.   The Department verified that Petitioner applied for asylum on March 8, 2017, and had not been admitted to the US under a specific immigration status. Petitioner has not been in the US for more than five years.   Therefore, Petitioner's eligibility for MA benefits is limited to ESO benefits as directed by BEM 225.

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 determined that she should be limited 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

Deborah Little
5131 Grand River Ave.
Detroit, MI
48208

Wayne 49 County DHHS- via electronic mail

BSC4- via electronic mail

M. Best- via electronic mail

EQAD- via electronic mail

Petitioner