



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: November 27, 2018  
MAHS Docket No.: 18-010959  
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 November 21, 2018, from Lansing, Michigan. Petitioner, [REDACTED], appeared with her spouse, [REDACTED], and her daughter, [REDACTED]. Petitioner's daughter provided interpretation for Petitioner and her spouse. Petitioner did not have any additional witnesses. Valarie Foley, Hearing Facilitator, appeared for the Department.

One exhibit was admitted into evidence during the hearing. A 16-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

**ISSUE**

Did the Department properly determine Petitioner's and Petitioner's Spouse'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. Petitioner and her spouse immigrated to the United States in June 2018. Petitioner and her spouse obtained permanent resident alien status on June 22, 2018, as the parents of an adult US citizen (IR5).
2. Petitioner and her spouse have health issues that require continuing care.
3. On [REDACTED], 2018, Petitioner and her spouse applied for MA from the Department.

4. On July 18, 2018, the Department issued a verification checklist to Petitioner to obtain information to make a determination on Petitioner's eligibility for MA.
5. On August 6, 2018, the Department issued another verification checklist to Petitioner to obtain information to make a determination on Petitioner's eligibility for MA.
6. On August 13, 2018, Petitioner and her spouse provided copies of their immigration records to the Department. The records showed that Petitioner and her spouse entered the United States on June 22, 2018.
7. On September 4, 2018, the Department issued a Health Care Coverage Determination Notice which notified Petitioner and her spouse that they were eligible for emergency services only MA.
8. On October 1, 2018, Petitioner and her spouse filed a hearing request to dispute the Department's decision.

### **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. A permanent resident alien with any class code other than RE, AM, or AS is eligible but MA is limited to emergency services coverage only for the first five years. BEM 225, p. 6-7.

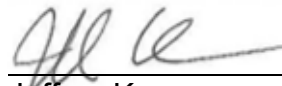
Here, Petitioner and her spouse entered the United States as permanent resident aliens on June 22, 2018, with a class code of IR5. Since Petitioner and her spouse entered as permanent resident aliens with a class code other than RE, AM, or AS, they are only eligible for emergency services coverage for the first five years in the US. Thus, the Department applied its policy correctly when it found Petitioner and her spouse eligible for emergency services only 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 September 4, 2018, Health Care Coverage Determination which found Petitioner and her spouse eligible for emergency services only MA.

IT IS ORDERED the Department's decision is AFFIRMED.

JK/nr



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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**

Susan Noel  
26355 Michigan Ave.  
Inkster, MI  
48141

Wayne 19 County DHHS- via electronic  
mail

BSC4- via electronic mail

D. Smith- via electronic mail

EQAD- via electronic mail

**Petitioner**

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