



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: September 28, 2023
MOAHR Docket No.: 23-004777
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On August 14, 2023, Petitioner, [REDACTED] requested a hearing to dispute her Emergency Services Only (ESO) Medical Assistance (MA) coverage. As a result, a hearing was scheduled to be held on September 27, 2023, pursuant to MCL 400.9; 42 CFR 431.200 to 431.250; and Mich Admin Code, R 792.11002. Petitioner appeared at the hearing with her spouse, [REDACTED]. Respondent, Department of Health and Human Services (Department), had Raven Douthard, Hearing Facilitator, appear as its representative. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 22-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly find Petitioner eligible for ESO 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] 2023, Petitioner submitted an application to renew her MA.
2. Petitioner reported that she was not a United States citizen.
3. Petitioner reported that her entry date was August 13, 2021.
4. Petitioner reported that she has a lawful permanent resident card.

5. Petitioner reported that neither Petitioner nor her spouse were a veteran or active duty member of the United States Military, and Petitioner reported that neither of her parents were a veteran or active duty member of the United States Military.
6. The Department reviewed Petitioner's application and initially denied her coverage due to income.
7. On August 8, 2023, the Department mailed a health care coverage notice to Petitioner to notify her that she was not eligible for MA because her income exceeded the program limit.
8. Petitioner submitted proof of her income, and then the Department reviewed Petitioner's application again.
9. The Department discovered that Petitioner did not meet the citizenship requirement to be eligible for full-coverage MA, so the Department found Petitioner eligible for ESO MA.
10. On August 16, 2023, the Department mailed a health care coverage notice to Petitioner to notify her that she was eligible for ESO MA.
11. Petitioner is disputing the Department's decision to find her eligible for ESO MA.

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 administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Petitioner is disputing the Department's decision to find her eligible for ESO MA.

For a client to be eligible for full-coverage MA, the client must be a United States citizen or a non-citizen admitted to the United States under a specific immigration status. BEM 225 (April 1, 2023), p. 2. In general, for a client admitted to the United States as a lawful permanent resident, coverage is limited to ESO for the first five years in the United States, unless the client is a qualified military non-citizen or the spouse or dependent child of a qualified military non-citizen. *Id.* at p. 7. A qualified military non-

citizen is a qualified non-citizen on active duty in, or veteran honorably discharged from, the United States armed forces. *Id.* at 6.

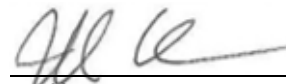
Based on the evidence presented, Petitioner is not a United States citizen, Petitioner has not been in the United States for more than five years, and Petitioner is not a qualified military non-citizen or the spouse or dependent child of a qualified military non-citizen. Therefore, Petitioner is only eligible for ESO.

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 found Petitioner eligible for Emergency Services Only Medical Assistance.

IT IS ORDERED the Department's decision is **AFFIRMED**.

JK/ml



Jeffrey Kemm

Administrative Law Judge

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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Via Electronic Mail:

DHHS

Jeanenne Broadnax
Wayne-Taylor-DHHS
25637 Ecorse Rd.
Taylor, MI 48180

MDHHS-Wayne-18-Hearings@michigan.gov

Interested Parties

BSC4
M Schaefer
EQAD
MOAHR

Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]