



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]
MI [REDACTED]

Date Mailed: September 29, 2023
MOAHR Docket No.: 23-005120
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On August 18, 2023, Petitioner, [REDACTED] requested a hearing to dispute Emergency Services Only (ESO) Medical Assistance (MA) coverage for Petitioner, [REDACTED] and [REDACTED]. As a result, a hearing was scheduled to be held on September 28, 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 son, [REDACTED]. Respondent, Department of Health and Human Services (Department), had Dania Ajami, Caseworker, appear as its representative. Neither party had any additional witnesses.

Two exhibits were admitted into evidence during the hearing. A 19-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A, and a 6-page packet of documents provided by Petitioner was admitted collectively as Petitioner's Exhibit 1.

ISSUE

Did the Department properly find Petitioner, [REDACTED] and [REDACTED] 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. Petitioner, [REDACTED] and [REDACTED] are undocumented immigrants.

2. The Department granted Petitioner, Lorenc [REDACTED] and Deb [REDACTED] full-coverage MA in error.
3. On July 25, 2023, the Department discovered that it had erroneously approved Petitioner, [REDACTED] and [REDACTED] for full-coverage MA in the past.
4. The Department determined that Petitioner, [REDACTED] and [REDACTED] did not meet the citizenship requirement to be eligible for full-coverage MA, so the Department found them eligible for ESO MA.
5. On July 25, 2023, the Department mailed a health care coverage notice to Petitioner to notify her that Petitioner, [REDACTED] and [REDACTED] were eligible for ESO MA.
6. Petitioner is disputing the Department's decision to find Petitioner, [REDACTED] and [REDACTED] 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 Petitioner, [REDACTED] and [REDACTED] 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. A client who is not a United States citizen or a non-citizen admitted to the United States under a specific immigration status is eligible for ESO. *Id.* at p. 9.

Based on the evidence presented, Petitioner, [REDACTED] and [REDACTED] are not United States citizens or non-citizens admitted to the United States under a specific immigration status. Petitioner, [REDACTED] and [REDACTED] are undocumented immigrants. Therefore, Petitioner, [REDACTED] and [REDACTED] are 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, Lorenc [REDACTED] and Deb [REDACTED] 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
Caryn Jackson
Wayne-Hamtramck-DHHS
12140 Joseph Campau
Hamtramck, MI 48212
MDHHS-Wayne-55-Hearings@michigan.gov

Interested Parties

BSC4
M Schaefer
EQAD
MOAHR

Via First Class Mail:

Authorized Hearing Rep

[REDACTED]
[REDACTED], MI [REDACTED]

Petitioner

[REDACTED]
[REDACTED], MI [REDACTED]