



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS  
DIRECTOR

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Date Mailed: April 15, 2022  
MOAHR Docket No.: 22-000962  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE: Marya A. Nelson-Davis**

**HEARING DECISION**

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; 42 CFR 438.400 to 438.424; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on April 6, 2022. Petitioner ██████████ appeared for the hearing and testified on his own behalf. Melissa Kingsley, Assistance Payment Supervisor, and Jazmin Jostscheff, Eligibility Specialist, testified on behalf of the Michigan Department of Health and Human Services (Department).

**ISSUE**

Did the 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 ██████████, 2022, Petitioner's application for MA was received by the Department.
2. Petitioner has been a permanent resident of the United States since December 7, 1993, and his permanent resident status expires on April 9, 2030. Department Exhibit A, p. 5
3. On February 1, 2022, the Department sent Petitioner a Health Care Coverage Determination Notice, stating that Petitioner is eligible for Healthy Michigan Plan (HMP) MA, Emergency Services Only, but he did not qualify for full health care coverage because he was not a US citizen or eligible immigrant. Department Exhibit A, pp. 7-9.

4. On February 28, 2022, the Department received Petitioner's hearing request, protesting the denial of full MA coverage.

### **CONCLUSIONS OF LAW**

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.

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).

In this case, the Department failed to establish that it properly determined Petitioner's eligibility for full MA coverage. The Department acknowledged that the [REDACTED], 2022, denial of Petitioner's application for full MA Coverage was an agency error because the Department had verification of Petitioner's immigration status at the time of Petitioner's application. The Department eligibility specialist testified that after the initial denial of Petitioner's MA application, a redetermination of Petitioner's eligibility for full MA coverage resulted in Petitioner being ineligible because he had excess income. However, the Department was not prepared to go forward and provide the necessary evidence to establish that the subsequent MA eligibility determination was in accordance with the applicable law and policy. Also, the Department witnesses testified that Petitioner was not provided with proper written notice of the most recent MA eligibility determination.

**DECISION AND ORDER**

This Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the Department failed to properly determine Petitioner's eligibility for MA assistance.

Accordingly, Respondent's decision is **REVERSED**. **IT IS FURTHERED ORDERED** that the Department shall begin redetermining Petitioner's MA eligibility retro to the application date of [REDACTED] 2022, in accordance with the applicable law and policy and within 10 days of the date of mailing of this Decision and Order



MN-D/dh

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**Marya A. Nelson-Davis**  
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.

**DHHS**

Renee Olian-via electronic mail  
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**Petitioner**

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