



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
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: July 10, 2024
MOAHR Docket No.: 24-005055
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: L. Alisyn Crawford

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; 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 June 13, 2024. Petitioner was present at the hearing and represented himself. The Department of Health and Human Services (Department) was represented by Shyla Coleman, Hearing Facilitator.

ISSUE

Did the Department properly determine Petitioner's eligibility for Medicaid (MA) when it determined that he was eligible for Emergency Services Only (ESO) coverage?

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 is a legal permanent resident who entered the U.S. on October 19, 2021, from India. (Exhibit A, p. 14).
2. On or around [REDACTED] 2022, Petitioner applied for and was approved for full coverage MA benefits.
3. On January 5, 2024, Petitioner submitted a renewal for MA benefits.
4. On April 12, 2024, the Department sent a Health Care Coverage Determination Notice (HCCDN) to Petitioner notifying him that he was eligible for full coverage MA from February 1, 2024 through March 31, 2024, and effective May 1, 2024 ongoing he would be eligible for Emergency Services Only (ESO) due to his immigration status. (Exhibit A, pp. 9-13).

5. On April 29, 2024, Petitioner requested a hearing disputing the Department's action, specifically finding that he is ineligible for full coverage MA. (Exhibit A, pp. 7-8).

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 Department's finding that he is eligible for ESO MA coverage. The Department testified that Petitioner was initially approved for full coverage MA due to the COVID-19 pandemic; otherwise, he has never been eligible for MA under that program based on his status as a non-citizen residing in the U.S. less than five years. (Exhibit A, pp. 9-13).

To be eligible for full MA coverage a person must be a U.S. citizen, or a non-citizen admitted to the U.S. under a specific immigration status. BEM 225 (January 2024) p. 2. An individual who is a lawful permanent resident with a class code on the permanent residency card (I-551) other than RE, AM or AS is eligible only for ESO MA coverage for the first five years in the U.S. unless the alien is a qualified military noncitizen or the spouse or dependent child of a qualified military non-citizen or a noncitizen paroled into the U.S. for at least one year under the Immigration and Nationality Act Section 212(d)(5). BEM 225, pp. 5-7. A qualified military noncitizen is a qualified noncitizen on active duty in, or veteran honorably discharged from, the U.S. Armed Forces. BEM 225, pp. 5-7. A person who does not meet an acceptable status, including undocumented non-citizens and non-immigrants who have stayed beyond the period authorized by the U.S. Citizenship and Immigration Services, are eligible only for ESO MA coverage. BEM 225, p. 9.

At the hearing, there was no dispute that Petitioner is not a U.S. citizen. While Petitioner testified that he has been residing in the U.S. since March 2020, his permanent resident card states that he became a legal permanent resident from India in October 2021. (Exhibit A, p. 14). Petitioner's legal permanent residency card was reviewed during the hearing and does not show a class code of RE, AM or AS. There was also no evidence presented that Petitioner was a qualified military noncitizen or the spouse of a qualified

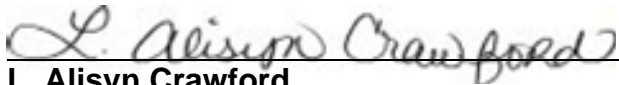
military noncitizen. Therefore, because Petitioner has not been a permanent resident noncitizen for five or more years, does not have an eligible class code, is not a qualified military alien or spouse of a qualified military alien, and does not meet the eligibility criteria identified in BEM 225, he is not eligible for full-coverage MA. Therefore, the Department properly approved Petitioner for ESO MA coverage.

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 that Petitioner was eligible only for ESO MA coverage.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

LC/ml


L. Alisyn Crawford
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:

Respondent

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

MDHHS-Wayne-18-Hearings@michigan.gov

Interested Party

BSC4
M Schaefer
EQAD
MOAHR

Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED] MI [REDACTED]