

**Date Mailed:** May 20, 2025

**Docket No.:** 25-010961

**Case No.:** [REDACTED]

**Petitioner:** [REDACTED] [REDACTED]

### **HEARING DECISION**

Petitioner filed a request for a hearing and accordingly this matter is before the undersigned Administrative Law Judge pursuant to Michigan Administrative Hearing Rules (R 792.10101 – R 792.11903) and the Administrative Procedures Act, 1969 PA 306, as amended, MCL 24.201 *et seq.*

After due notice, a telephone hearing was held on April 23, 2025, from Lansing, Michigan. The Petitioner was represented by household member Mr. [REDACTED]. The Department was represented by Linda Brown.

### **ISSUE**

Did the Department properly determine Petitioner's immigration status or citizenship when determining Medicaid (MA) eligibility?

### **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 February [REDACTED] 2025, Petitioner applied for MA.
2. On March [REDACTED] 2025, a Health Care Coverage Determination Notice was sent to Petitioner informing him that he was eligible for Emergency Services Only (ESO) Medical Assistance (MA).
3. On the date of MA application, Petitioner was not a United States citizen.
4. Petitioner has been a permanent resident since November [REDACTED] 2024.
5. On March 14, 2025, Petitioner requested a hearing.

### **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

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Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), Department of Health and Human Services Modified Adjusted Gross Income (MAGI) Related Eligibility Manual (MREM), 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.

MA coverage is limited to emergency services for any: • Persons with certain non-citizen statuses or U.S. entry dates as specified in policy; see citizenship/non-citizenship status in this item. • Persons refusing to provide citizenship/non-citizen status information on the application. • Persons unable or refusing to provide satisfactory verification of non-citizen information. BEM 225, p.3 (November 2024)

A non-citizen limited to emergency services only (ESO) coverage during the five-year bar means a non-citizen whose immigration status does not entitle them to full Medicaid coverage without first lawfully residing in the United States for five years. BEM 225

In this case, Petitioner requested a hearing disputing the determination of ESO MA and denial of full MA coverage and presented evidence regarding his medical conditions.

Petitioner testified that Petitioner and his family are from [REDACTED] At time of application or redetermination, Petitioner's status was permanent resident since November [REDACTED] 2024. Since Petitioner has not been a permanent resident for 5 years, he is only eligible for Emergency Services Only Medicaid. BEM 225

Based on the medical records presented it appears that Petitioner has significant medical conditions that require medical care, unfortunately the need for medical care is not a factor in determining eligibility for MA in these circumstances.

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 properly determine that Petitioner was eligible for MA ESO.

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## **DECISION AND ORDER**

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Accordingly, the Department's determination about MA eligibility based on immigration status is **AFFIRMED**.



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**AARON MCCLINTIC**  
**ADMINISTRATIVE LAW JUDGE**

**APPEAL RIGHTS:** Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at [courts.michigan.gov](https://courts.michigan.gov). The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to [MOAHR-BSD-Support@michigan.gov](mailto:MOAHR-BSD-Support@michigan.gov), **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to  
Michigan Office of Administrative Hearings and Rules  
Rehearing/Reconsideration Request  
P.O. Box 30639  
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.

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**Petitioner**  
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