



Date Mailed: August 22, 2025

Docket No.: 25-022329

Case No.: [REDACTED]

Petitioner: [REDACTED]



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এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

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Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a hearing was held via telephone conference on July 24, 2025. Petitioner appeared for the hearing and represented herself. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Dania Ajami, Lead Eligibility Specialist and Khaled Mahmood, Eligibility Specialist. Abdul Chowdhury served as Bengali Interpreter.

ISSUE

Did the Department properly determine Petitioner's eligibility for Medical Assistance (MA) benefits?

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 or around [REDACTED] 2024, Petitioner submitted an application requesting MA benefits. On the application, Petitioner reported that she was not a U.S. Citizen and that she was a legal permanent resident with an October 4, 2023, date of U.S. entry. (Exhibit A, pp. 11-17)
2. On an unverified date, the Department processed Petitioner's MA application and approved Petitioner for full coverage MA benefits.
3. On or around March 24, 2025, the Department sent Petitioner a Health Care Coverage Determination Notice advising her that effective March 1, 2025, she was not eligible for MA benefits due to excess income. (Exhibit A, pp. 6-10)
4. On or around June 4, 2025, Petitioner requested a hearing disputing the termination of her full coverage MA benefits. (Exhibit A, pp. 3-5)
5. The Department reprocessed Petitioner's MA eligibility and determined that effective March 1, 2025, Petitioner was eligible for Emergency Services Only (ESO) coverage.

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6. On or around June 13, 2025, the Department sent Petitioner a Health Care Coverage Determination Notice advising her that effective March 1, 2025, she was approved for Emergency Services Only (ESO) MA benefits. (Exhibit B)
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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 she is eligible for ESO MA coverage effective March 1, 2025. The Department testified that Petitioner was initially approved for full coverage MA in error, as she has never been eligible for MA under that program based on her status as a non-citizen residing in the U.S. less than five years.

To be eligible for full coverage MA, a person must be a U.S. citizen or a non-citizen admitted to the U.S. under a specific immigration status. BEM 225 (November 2024), pp. 1-4. 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 non-citizen or the spouse or dependent child of a qualified military non-citizen or a noncitizen rolled into the U.S. For at least one year under INA Section 212(d)(5). BEM 225, pp. 7-8. 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 alien status, including undocumented aliens 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. The alien status of each non-citizen must be verified to be eligible for full MA coverage. BEM 225, p. 2.

At the hearing, there was no dispute that Petitioner is not a U.S. citizen and that she became a legal permanent resident on or around October 4, 2023. There was no evidence that Petitioner's legal permanent residency card reflected a class code of RE, AM or AS and no evidence presented that Petitioner was a qualified military noncitizen or the spouse of a qualified military noncitizen. Notwithstanding Petitioner's testimony

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that she is ill and has medical conditions that require treatment, 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, she is not eligible for full-coverage MA.

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 acted in accordance with Department policy when it processed Petitioner’s MA benefits and determined that she was eligible only for ESO MA coverage effective March 1, 2025.

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



ZAINAB A BAYDOUN
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. 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, **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.

Via Electronic Mail:

Respondent

WAYNE-HAMTRAMCK-DHHS
12140 JOSEPH CAMPAU
HAMTRAMCK, MI 48212
MDHHS-WAYNE-55-HEARINGS@MICHIGAN.GOV

Via First Class Mail:

Petitioner

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MI

