

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2008-31162
Issue No: 4070
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 31, 2010
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on March 31, 2010. The claimant personally appeared and provided testimony. The record was left open until April 14, 2010 to allow the claimant to submit additional information from the Social Security Administration.

ISSUE

Did the department properly determine the claimant was not eligible for the September, 2008 State SSI supplement payment (\$42)?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. The claimant was an SSI recipient when the department denied her \$42 State SSI supplemental payment on August 21, 2008 (for the third quarter of 2008), indicating that the

claimant hadn't received the regular first of the month Federal SSI check for the proceeding three months. (Department Exhibit 3)

2. The department's SOLQ printout (Social Security Administration information) shows the claimant regularly receives SSI payments of \$1 each month. However, the claimant did not receive regular payments for each month of 2008. The SOLQ data shows the claimant did receive a supplemental retroactive payment of \$5 in August, 2008. The data did not show what months that covered. (Department Exhibit 1)

3. The claimant submitted a hearing request on August 29, 2008.

CONCLUSIONS OF LAW

The State Supplementary Security Income program was established pursuant to Title XVI of the Social Security Act in 42 USC 1381, *et seq.*, and implemented by the provisions of Title 20 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the State SSI program pursuant to 2002 PA 529, MCL 400.10, *et seq.*, and by agreement between the State of Michigan and the United States Secretary of Health and Human Services (Secretary). Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Department policy indicates that State SSI payments are made for only those months the recipient received a regular monthly federal benefit. State SSI payments are not issued for retroactive or supplemental federal benefits. PEM 660.

In this case, the claimant was an SSI recipient when the Social Security Administration (SSA) made a mistake and did not pay her for April through August, 2008. The record was left open to allow the claimant to submit additional information from the SSA. The claimant

submitted the information on April 14, 2010. The information from the SSA indicates that the claimant received a \$5 backpayment for SSI on August 22, 2008, that covered the months of April through August, 2008. The claimant had received her regular payment for September, 2008.

Thus, the claimant did receive regular SSI payments for July, August and September, 2008. Therefore, the claimant is entitled to receive the State SSI supplement (\$42) for the third quarter of 2008.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department improperly determined the claimant was not eligible for the September, 2008 State SSI Supplement payment.

Accordingly, the department is REVERSED. The department shall:

1. Issue the claimant a State SSI Supplement of \$42 for the third quarter of 2008.

SO ORDERED.

/s/ _____
Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 11, 2010

Date Mailed: May 11, 2010

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

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The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

SLK [REDACTED]

cc: [REDACTED]