

[REDACTED]

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.: 2009-11146

Issue No.: 2000

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

March 18, 2009

Wayne County DHS [REDACTED]

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant request for hearing received by the Department on December 19, 2008 and January 14, 2009. After due notice, a hearing was held in Detroit, Michigan on March 19, 2009. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly reduced the Claimant's State SSI payment?

FINDINGS OF FACT

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

1. The Claimant receives SSI income and a quarterly State Supplemental payment.

2. The Claimant received a [REDACTED] quarterly supplement for the third quarter.
3. On November 18, 2008, the Department notified the Claimant that her State Supplemental quarterly payment would be reduced based upon the Social Security Administration's notification that the Claimant did not receive a regular first of the month SSI check for one month during the last quarter.
4. In response, the Claimant filed two hearing requests protesting several issues.

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations ("CFR"). The Department of Human Services, formally known as the Family Independence Agency, administers the MA program pursuant to MCL 400.10, *et seq* and MCL 400.105. Department policies are found in the Program Administrative Manual ("PAM"), the Program Eligibility Manual ("PEM"), and the Program Reference Manual ("PRM").

The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. PEM 105, p. 1 Medicaid is also known as Medical Assistance ("MA"). *Id.* The Medicaid program is comprised of several categories; one category is for FIP recipients while another is for SSI recipients. *Id.* Programs for individuals not receiving FIP or SSI are based on eligibility factors in either the FIP or SSI program thus are categorized as either FIP-related or SSI-related. *Id.* To receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formally blind or disabled. *Id.* MA income eligibility exists for the calendar month tested

when there is no excess income or allowable medical expenses that equal or exceed the excess income. PEM 545, p. 1

Supplemental Security Income (“SSI”) is a cash benefit to need persons who are aged (at least 65), blind or disabled. PEM 660, p. 1 SSI is a federal program administered by the Social Security Administration (“SSA”). *Id.* States are allowed the option to supplement the federal benefit with state funds. *Id.* The Department issues the State SSI Payment (“SSP”) to SSI recipients for those months the recipient received a regular monthly federal benefit. *Id.* SSPs are NOT issued for retroactive or supplemental federal benefits. *Id.* SSP benefits are issued quarterly and are paid the last month of each quarter. *Id.*

In the record presented, the Claimant asserted several issues however, the only issue that the undersigned had jurisdiction over related to the last quarter’s reduction of the State supplement. The Claimant purportedly received full SSI payments each month of the last quarter however, for one month; the payment was not received on the first of the month. The Department was unclear as to the actual payments that were made to the Claimant. The Claimant demanded the supplemental payment be issued retroactive beginning in [REDACTED] In addition, the Claimant contends that several medical invoices have not been paid. In questioning the Claimant, it appears the invoices were for services provided a few years previous. The ALJ has no jurisdiction to hear issues involving actions which occurred more than 90 days subsequent to a request for hearing. This ALJ had no jurisdiction regarding the other issues presented which involve the Department of Community Health. The Claimant may request a hearing regarding her other concerns with the appropriate department or agency.

Ultimately, the Department failed to establish it acted in accordance when it reduced the Claimant's quarterly State Supplemental Income payment. Accordingly, the Department's actions are not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department failed to establish it acted in accordance with department policy when it reduced the Claimant's State Supplemental Income payment.

Accordingly, it is ORDERED:

The Department shall supplement the Claimant for any lost State Supplemental Income she was entitled to receive (if any) going back 90 days from the initial hearing request received by the Department on December 19, 2009.

/s/

Colleen M. Mamelka
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 03/31/09

Date Mailed: 04/03/09

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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

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cc:

