

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: 2009-30162
Issue No: 4070
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 23, 2010
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 June 23, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly stop all of Claimant's State Supplemental Security Income (SSP) payment?

FINDINGS OF FACT

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

(1) Claimant is an ongoing recipient of regular recurring first of the month Supplemental Security Income (SSI) payments.

(2) On November 30, 2008, the Social Security Administration sent Claimant notice that

beginning in January 2009, his monthly Supplemental Security Income (SSI) payments would be \$ [REDACTED]

(3) On January 1, 2009, Claimant began receiving regular recurring first of the month Supplemental Security Income (SSI) payments of \$ [REDACTED]

(4) On May 1, 2009, Claimant did not receive a Supplemental Security Income (SSI) payment.

(5) On May 10, 2009, Claimant received a Supplemental Security Income (SSI) payment of \$ [REDACTED]. The payment was coded as a one time payment.

(6) On May 26, 2009, Claimant was sent a Notice of State SSI Payment Change stating his quarterly State SSI Payment had been cancelled.

(7) On June 5, 2009, Claimant submitted a timely request for hearing.

(8) On the first day of an subsequent but unidentifiable month in 2009, Claimant's regular recurring first of the month Supplemental Security Income (SSI) payments of \$ [REDACTED] resumed. The specific month cannot be identified because an area of the SOLQ submitted into evidence has been obscured by the fax information placed on the page.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

STATE SSI PAYMENT

SSI BENEFITS

Supplemental Security Income (SSI) is a cash benefit to needy persons who are aged (at least 65), blind or disabled. It is a federal program administered by the Social Security Administration (SSA). States are allowed the option to supplement the federal benefit with state funds. In Michigan SSI benefits include a basic federal benefit and an additional amount paid with state funds. The amount of the state benefit varies by living arrangement.

Issued Benefits

The SSA issues the federal benefit to all SSI recipients. The SSA also issues the state funded benefit for SSI recipients in the following living arrangements:

- Adult foster care.
- Domiciliary care.
- Personal Care.
- Home for the aged.
- Institution.
- Nursing home.

Initially, a lump sum check may be issued for any retroactive benefits. Thereafter, the SSA issues SSI benefits monthly, on the first of the month.

State SSI Payment

DHS issues the State SSI Payment (SSP) to SSI recipients in the following living arrangements:

- Independent living.
- Household of another. (Living in the household of another person and receiving partial or total support and maintenance in kind from that person.)

Note: For payment levels see RFT 248 Reference Tables.

Payments are made for only those months the recipient received a regular monthly federal benefit. **SSPs are NOT issued for retroactive or supplemental federal benefits.**

SSP benefits are issued quarterly. These benefits are paid the last month of each quarter. The yearly quarters are:

- January through March.
- April through June.
- July through September.
- October through December.

Payments are processed by case digit ending. See RFS 106 (Reference Schedules Manual).

SSP warrants are issued to the payee designated by the SSA.

Benefit Reduction

A Benefit Reduction Notice, DHS-430 (see RFF, Reference Forms & Publications Manual) is sent to each SSI recipient whose current quarterly State SSI Payment is less than the previous quarterly State SSI Payment. The recipient is referred to the SSI hot line (1-800-481-4774) for questions concerning the benefit reduction.

If the recipient wants to request a hearing, he is referred to the local office Hearings Coordinator (see BPG Glossary).

The DHS-430, Notice of State SSI Payment Change, does all of the following:

- Gives recipients timely notice of any proposed benefit reduction.
- Notifies recipients of their hearing rights and the date by which a timely hearing request will preserve benefits at the current level pending the hearing decision.
- Notifies recipients of the date they will receive their next (reduced) quarterly check. (BEM 660)

Claimant testified that he has not received the State payment since it was stopped in 2009. The evidence in the record shows that the Social Security Administration did not send Claimant a regular recurring Supplemental Security Income (SSI) payment on the first of May 2009. However, the evidence does not show that Claimant was not eligible for the State payment once his regular recurring first of the month Supplemental Security Income (SSI) payments resumed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly stop all of Claimant's State Supplemental Security Income (SSP) payments.

It is further ORDERED that the Department of Human Services shall determine the month in which Claimant's regular recurring first of the month Supplemental Security Income (SSI) payments resumed and supplement him any benefits he is due under Department policy, which he did not receive.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 28, 2010

Date Mailed: June 29, 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.

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.

GFH/alc

cc:

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