

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: 2009-10033
Issue No: 4017
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 4, 2010
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. After due notice, a telephone hearing was held on Tuesday, May 4, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's State Supplemental Security Income (SSI)?

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 receives SSI benefits.
- (2) On November 18, 2008, the Department sent notice to the Claimant that his state SSI payment had been cancelled.

(3) On November 25, 2008, the Department received the Claimant's request for a hearing, protesting the reduction of his state SSI benefits.

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 Family Independence Agency 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). Agency policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

An opportunity for a hearing shall be granted to an applicant who requests a hearing because their claim for assistance is denied, or to any recipient who is aggrieved by any department action resulting in suspension, reduction, discontinuance, or termination of assistance. Michigan Administrative Code Rule 400.903(1).

The Department offered no significant testimony or evidence explaining its denial of a State SSI payment on November 18, 2008. Therefore, the Department had failed to meet its burden of establishing that it acted in accordance with policy concerning the Claimant's State SSI payments.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department failed to establish that it acted in accordance with policy when it denied the Claimant's State SSI payment.

The Department's SSI eligibility determination is REVERSED. It is further ORDERED that the Department shall:

1. Redetermine the Claimant's SSI eligibility for December of 2008.
2. Issue to the Claimant any retroactive SSI benefits he may be entitled to.
3. Notify the Claimant of her SSI eligibility for the month of December, 2008.

/s/ _____
Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 20, 2010

Date Mailed: May 21, 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 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.

KS/vc

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