

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: 2009-25034
Issue No: 4017
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 25, 2010
St. Clair 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. Claimant's request for a hearing was received on April 6, 2009. After due notice, a telephone hearing was held on Tuesday, May 25, 2010.

ISSUE

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

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 State SSI benefits.
- (2) The Claimant did not receive a regular Social Security payment for January of 2009.

(3) On February 25, 2009, the Department sent notice to the Claimant that it would reduce her State SSI payment.

(4) The Department received the Claimant's request for a hearing on March 6, 2009, protesting the reduction in her 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).

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.

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. A Benefit Reduction Notice (DHS-430) is sent to each SSI recipient whose current quarterly State SSI Payment is less than the previous quarterly State SSI Payment.

The Claimant did not receive her regular Social Security payment for January of 2009. The Claimant instead received a retroactive payment for January of 2009. Therefore, the Department determined that the Claimant was not eligible for the State SSI benefit.

DECISION AND ORDER

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

The Department's SSI eligibility determination is AFFIRMED. It is SO ORDERED.

/s/

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

Date Signed: June 9, 2010

Date Mailed: June 10, 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 60 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 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.

SK/vc

cc:

