

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: 2009-36298

Issue No: 2027

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 21, 2009

Menominee County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 Wednesday, October 21, 2009. The claimant was not present, by was represented by her authorized representative, [REDACTED].

ISSUE

Did the department correctly determine that the claimant was no longer receiving Federal Supplemental Security Income (SSI) benefits, resulting in her quarterly State SSI benefits being cancelled?

FINDINGS OF FACT

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

(1) On May 26, 2009, the claimant received a notice from the department that her quarterly SSI payments would be cancelled because the Social Security Administration notified the department that she had not received a regular first of the month SSI check for three months.

(2) On July 30, 2009, the department received a hearing request from the claimant's authorized representative, contesting the department's action.

(3) During the hearing, the claimant's authorized representative submitted bank statements showing that the claimant was still receiving her regular scheduled Federal SSI benefits that were automatically deposited into her account.

(4) During the hearing, the department caseworker checked to find out what was occurring to determine that this is a Bridges problem from the SSI state coordinator for the department where the claimant was entitled to retroactive benefits that would result in no loss in benefits.

(5) The parties have reached an agreed upon settlement to resolve the dispute. The department agrees to reinstate the claimant's benefits retroactive to June 2009 because the claimant is still getting her regular Federal SSI check and this was an issue with the new Bridges program.

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 (DHS or department) 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).

In the present case, the parties have reached an agreed upon settlement to resolve the dispute. The department agrees to reinstate the claimant's benefits retroactive to June 2009 because the claimant is still getting her regular Federal SSI check and this was an issue with the new Bridges program. If the claimant does not agree with the determination, she may file another request for a hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the parties have reached an agreed upon settlement.

The department is **ORDERED** to retroactive to June 2009 issue the claimant's quarterly State SSI benefits since she is still currently receiving Federal SSI benefits, if it has not already done so.

/s/ _____
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 18, 2009

Date Mailed: November 18, 2009

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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2009-36298/CGF

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.

CGF/vmc

cc:

