

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: 2009-28368
Issue No: 4070
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 17, 2010
Marquette 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 17, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly stop Claimant's State Supplemental 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 was an ongoing recipient of Supplemental Security Income (SSI) and State Supplemental Payments (SSP).
- (2) On April 1, 2009, Claimant received a recurring first of the month payment from the Social Security Administration.

(3) On May 10, 2009, Claimant received a payment from the Social Security Administration which was coded as a one time payment.

(4) On May 26, 2009, Claimant was sent a Notice of State SSI Payment Change stating his SSP would be canceled because the Social Security Administration notified the Michigan Department of Human Services that he had not received a regular first of the month SSI check for 3 months.

(5) On June 1, 2009, Claimant submitted a timely hearing request.

(6) On June 3, 2009, the Department received information from Social Security Administration that Claimant was disqualified for SSI due to excess resources. SSA stated that Claimant had not been terminated, just found ineligible.

(7) On December 10, 2009, Claimant received an underpayment check from the Social Security Administration.

(8) On January 1, 2010, Claimant began receiving recurring first of the month payments again.

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 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 retro active 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.)

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 caseload digit ending. See RFS 106 (Reference Schedules Manual).

SSP warrants are issued to the payee designated by the SSA. (BEM 660)

During the hearing verbal testimony established that Claimant did not receive a quarterly SSP payment for the fourth quarter of 2009 or the first quarter of 2010. Evidence submitted by the Department shows that Claimant did not receive a regular recurring monthly payment from Social Security Administration for May through December 2009. The evidence shows that Claimant did receive a regular recurring monthly payment from Social Security Administration for January through June 2010. Based on Department policy Claimant should not have received SSP payment for any month in fourth quarter 2009 but should have received payment for all three months of the first quarter 2010.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly stopped Claimant's State Supplemental Payment through December 2009. However, the evidence in this record indicates the payments should have resumed in January 2010.

It is further ORDERED that the Department of Human Services reinstate Claimant's State Supplemental Payments back to January 2010 and supplement Claimant any benefits he was otherwise eligible for but did not receive.

/s/

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

Date Signed: June 21, 2010


Date Mailed: June 22, 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

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