

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No. 201031201
Issue No. 4070
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: October 13, 2010
Office: Wayne County DHS (73)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on October 13, 2010. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, and [REDACTED], Manager, appeared and testified.

ISSUE

Whether DHS properly terminated Claimant's State of Michigan SSI payment effective the fourth quarter of 2009.

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 SSI recipient.
2. Claimant has continually received \$660.38/month in income from the Veteran's Administration since at least the beginning of 2009.
3. Claimant has continually received \$13.62/month in Supplemental Security Income (SSI) since at least the beginning of 2009.
4. On 11/23/09, DHS mailed Claimant a notice (Exhibit 2) that her State of Michigan SSI payment would stop effective 11/23/2009 on the basis that Claimant "did not receive a regular first of the month SSI check for three months."

5. On 1/26/10, Claimant requested a hearing concerning the termination of her State of Michigan SSI payment.

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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

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 (formerly known as 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). Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Supplemental Security Income (SSI) is a cash benefit for needy individuals who are aged (at least 65), blind or disabled. The Social Security Administration (SSA) determines SSI eligibility. BEM 150 at 1. In Michigan, DHS supplements federal SSI payments with quarterly State of Michigan SSI payments; the amount of the State of Michigan payment is determined by the client's living arrangement. *Id.*

State of Michigan SSI payments are made for only those months the recipient received a regular monthly federal benefit. BEM 660 at 1. The undersigned interprets "regular" to refer to payments that are continuous. Thus, the payment may be less than the maximum payment as long as it is expected to continue.

DHS testified that they could not provide a specific reason as to why Claimant's State of Michigan SSI benefits stopped. DHS also testified that they contacted the SSI Payment Unit as they are directed to do so in policy. BEM 660 at 3. Per DHS, the SSI Payment Unit indicated that Claimant should be referred to the Social Security Administration (SSA) for an explanation as to why her benefits stopped. The SSI Payment Unit's explanation would only make sense if it was verified that Claimant's federal SSI payments stopped, as that would be a proper basis to discontinue the state supplemental SSI payment.

Claimant testified that she receives a continuous federal SSI payment of \$13.62/month. Claimant's monthly payment is presumably reduced by her receipt of Veteran's Administration income of \$660.38/month. The preferred verification of Claimant's federal SSI status is an SOLQ; an SOLQ is a report available through a DHS interface with SSA. The SOLQ (Exhibit 1) confirmed Claimant's testimony that she receives a continuous monthly SSI payment of \$13.62. It is found that Claimant receives a regular federal SSI payment. Accordingly, DHS improperly terminated Claimant's State of Michigan SSI payment as Claimant is eligible for a regular and ongoing federal SSI payment.

DECISION AND ORDER

The actions taken by DHS are REVERSED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly terminated Claimant's State of Michigan SSI payment. It is ordered that DHS supplement Claimant for the previous four quarters (10/09-12/09, 1/10-3/10, 4/10-6/10-7/10-9/10) that Claimant failed to receive a State of Michigan supplemental SSI benefit and to reinstate Claimant's eligibility for State of Michigan supplemental SSI payments.

/s/



Christian Gardocki
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: October 27, 2010

Date Mailed: October 27, 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.

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.

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