

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.: 2010-37511
Issue No.: 4070
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 20, 2010
Office: Wayne County DHS (82)

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 20, 2010. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly terminated Claimant's State of Michigan Supplemental Security Income (SSI) effective the first quarter of 2010?

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 federal and state SSI benefits.
2. Claimant stopped receiving her federal SSI benefits effective 2/2010.
3. On 2/23/10, DHS mailed Claimant a notice of quarterly State SSI Payment Change (Exhibit 1) notifying Claimant that her State of Michigan SSI payments would stop due to the stoppage in her federal SSI benefits.
4. Claimant received a \$14 State of Michigan SSI supplement check in 3/2010 intended to cover 1/2010.
5. Claimant requested a hearing on 3/6/10 disputing the termination of State of Michigan SSI supplemental 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.* Claimant's living arrangement made her eligible for a \$42/3 month SSI supplemental payment.

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.

In the present case, Claimant's federal SSI income stopped effective 2/2010. Claimant's stoppage was confirmed by an SOLQ (Exhibit 2), a DHS report generated from an interface with SSA information. Claimant did not dispute that her federal SSI payments stopped in 2/2010. As Claimant stopped receiving a federal SSI income, DHS properly stopped Claimant's State of Michigan SSI supplemental income. Claimant received a \$14 payment for the first quarter of 2010 to cover the one month (1/2010) where she received her federal SSI payment. Claimant was not entitled to any additional SSI payment. It is found that DHS properly terminated Claimant's State of Michigan supplemental SSI payment.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's State of Michigan SSI benefits. The actions taken by DHS are AFFIRMED.

Christian Gardocki

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

Date Signed: 10/27/2010

Date Mailed: 10/27/2010

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 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.

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