

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: 20104047
Issue No: 4070
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 7, 2009
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 on October 9, 2009. After due notice, a telephone hearing was conducted on December 7, 2009. The Claimant appeared and testified along with her husband, [REDACTED]. Ann Connelly, FIS, appeared on behalf of the Department.

ISSUE

Whether the Claimant is entitled to a quarterly State Supplement Payment ("SSP") for SSI, pay date of July, 2009 as payment was mailed to incorrect address.

FINDINGS OF FACT

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

1. The Claimant and her husband are FAP and SSP recipients.
2. All FAP issues were resolved as of the date of the hearing.

3. Claimant indicates that she and/or her husband did not receive their July, 2009 SSP check from the Department.
4. Claimant indicated that the Department mailed the check to the wrong address.
5. Claimant submitted an affidavit to request his lost State SSI (SSP) check on 10/7/09.
6. The Department indicated that the SSP check was being investigated along with handwriting analysis in Lansing.
7. Claimant filed this appeal. The Department received the Claimant's Request for Hearing on October 9, 2009. The Department acknowledged that the hearing request was proper.

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 (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 contained in the Program Administrative Manual (PAM)/ Bridges Administrative Manual (BAM), the Program Eligibility Manual (PEM)/Bridge Administrative Manual (BEM) and the Program Reference Manual (PRM).

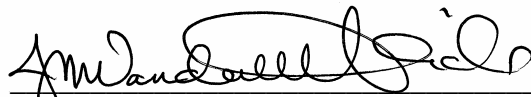
The Department is required to Contact the State SSI Payment Unit if there is no explanation for the action taken. BEM 660, p. 3. In the present case, the Department did contact Lansing and determined that the payment was being investigated. However, it has been two months since Claimant requested payment and 5 months since Claimant missed receiving a

payment with no response from the Department. Based upon the foregoing facts and relevant law, therefore, this Administrative Law Judge requires that the Department respond to Claimant's Affidavit to request lost SSI Supplement check with 10 days of the date of this Hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, ORDERS that the Department has 10 days to respond to Claimant's Affidavit to request lost State SSI check (DHS-1778).

It is further ORDERED that the Department's response shall include a statement of whether the lost SSI check will be paid or not and if not, state the reasons why.



Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/22/09

Date Mailed: 12/23/09

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.

JV/dj

2010-4047/JV

cc:

