

STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:




Reg. No: 2011-35426  
Issue No: 4070



ADMINISTRATIVE LAW JUDGE: **Suzanne L. Morris**

**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 28, 2011. The claimant was present and provided testimony, along with , her mother.

**ISSUE**

Did the department properly end the claimant's State SSI 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. The claimant stopped receiving the State SSI payment (SSP) on February 22, 2011. (Department Exhibit 2)
2. The claimant submitted a hearing request on March 8, 2011.

**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 policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department policy states:

### **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. BEM, Item 660, p. 1.

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. BEM, Item 660, p. 1.

In this case, the claimant is disputing the department's determination to discontinue the claimant's SSP payments. Department policy indicates that clients will only receive SSP benefits for those months that the client receives a regular monthly federal benefit. BEM 660.

The department representative has called the North Flint SSA office and was informed that the client had a check delayed in December, 2010, but that her SSI issuance was regular and continued to be so. The local office attempted to resolve this issue, but has not received a response. The department agrees that the client is entitled to the SSP payments currently and retroactive to February 22, 2010.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department improperly ended the claimant's State SSI Payment.

Accordingly, the department's determination is REVERSED. The department shall reinstate the claimant's SSP back to February 22, 2010 and issue the claimant any retroactive SSP payments she is entitled to receive. SO ORDERED.

\_\_\_\_\_/s/\_\_\_\_\_  
Suzanne L. Morris  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: 6/29/11

Date Mailed: 6/29/11

**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.

SM/ds

■ [REDACTED]