

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 201124548

Issue No: 4070

Case No: [REDACTED]

Hearing Date:

May 26, 2011

Monroe County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on March 7, 2011. After due notice, a telephone hearing was held on Thursday, May 26, 2011.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's State SSI Payment (SSP) eligibility?

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 is a Supplemental Security Income (SSI) and a State Supplemental Security Income (SSI) recipient.
2. The Claimant did not receive his regular Supplemental Security Income (SSI) payment from the Social Security Administration on January 1, 2011, but instead received a payment on January 4, 2011, marked "Total of type 2 underpayment check."
3. On February 22, 2011, the Department notified the Claimant that his State Supplemental Security Income (SSI) payment would be reduced from \$42 to \$28.
4. The Department received the Claimant's request for a hearing on March 7, 2011, protesting the reduction of his State Supplemental

Security Income (SSI) benefit. The request was received 13 days after the Department sent its notice of case action.

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 (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).

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.

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. BEM 660.

Initially, a lump sum check maybe issued for any retroactive benefits, but thereafter, the SSA issues SSI benefits monthly, on the first of the month. Payments are made for only those months the recipient received a regular monthly federal benefit, but not issued for retroactive or supplemental federal benefits.

In this case, the Claimant is an ongoing State Supplemental Security Income (SSI) recipient. The Claimant receives Supplemental Security Income (SSI) benefits from the Social Security Administration. The Claimant did not receive his regular Supplemental Security Income (SSI) payment on January 1, 2011, but instead received a payment on January 4, 2011, marked "Total of type 2 underpayment check." On February 22, 2011, the Department notified the Claimant that his State Supplemental Security Income (SSI) payment would be reduced from \$42 to \$28.

The Claimant argued that he did receive his Supplemental Security Income (SSI) payment and that he remains eligible for Supplemental Security Income (SSI) benefits.

State Supplemental Security Income (SSI) are only available to Supplemental Security Income (SSI) recipients that receive their regular payment on the first of the month. Based on the evidence and testimony available during the hearing, the Department has established that the Department properly determined the Claimant's eligibility for State Supplemental Security Income (SSI) benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's State Supplemental Security Income (SSI) eligibility.

The Department's State Supplemental Security Income (SSI) eligibility determination is **AFFIRMED**. It is **SO ORDERED**.

/s/ _____
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: May 27, 2011

Date Mailed: May 27, 2011

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.

KS/tg

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cc:

