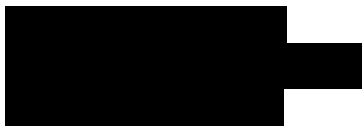


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201138775
Issue No: 2018
Case No: [REDACTED]
Hearing Date: July 26, 2011
Lenawee County DHS

ADMINISTRATIVE LAW JUDGE: COREY A. ARENDT

HEARING DECISION

This matter is before me pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a hearing was held on July 26, 2011. The Claimant and Agency appeared by telephone and provided testimony.

ISSUE

Did the Department properly reduce Claimant's State Supplemental Security Income (SSI)?

FINDINGS OF FACT

I find, based upon the competent, material and substantial evidence on the whole record, find as material fact:

1. Effective May 24, 2011, Claimant's State SSI payment was reduced because the Social Security Administrative (SSA) notified the Department that the Claimant did not receive a regular first of the month SSI check. (Department Exhibits).
2. On June 2, 2011, Claimant submitted a timely hearing request, protesting the reduction of her quarterly State SSI Payment.

CONCLUSIONS OF LAW

The State SSI 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 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 that 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 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. 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 Department acknowledged the Claimant never had a break in coverage of Medicaid and therefore never left Program E. The Claimant did receive a payment for each of the months in question. Therefore the Claimant is entitled to the additional [REDACTED] in State SSI.

DECISION AND ORDER

I find, based upon the above findings of fact and conclusions of law, that the Department improperly reduced Claimant's State SSI Payment.

Accordingly, the Department's action is **REVERSED** and Claimant shall be issued a supplemental State SSI payment retroactive to June 2011 if she is otherwise entitled.

/s/

Corey A. Arendt
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 26, 2011

Date Mailed: July 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 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.

CAA/cr

cc: SHARON DENNEY
Lenawee County DHS
R. Rodriguez
J. Cook
C. A. Arendt
Administrative Hearings