

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

IN THE MATTER OF:



Reg. No: 201146134
Issue No: 4070
Case No: [REDACTED]
Hearing Date: September 22, 2011
Clare County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

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 September 22, 2011. The claimant personally appeared and provided testimony.

ISSUE

Whether the department properly cancelled Claimant's State Supplemental Payments (SSP)?

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 recipient of SSI benefits.
2. From April 2010 through December 2010, the claimant's SSI payments were suspended.
3. The claimant's SSI payments were reinstated in December 2010, in the amount of [REDACTED]. (Department Exhibits 10-12).
4. Based on the suspension of the claimant's SSI benefits, the claimant's SSP payments were suspended and began again as of February 2011. (Department Hearing Summary).
5. The claimant did not receive a SSP payment for the month of January 2011.

6. The claimant filed a request for hearing on July 19, 2011 due to not receiving a SSP payment for the month of January 2011 on his quarterly check.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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 the case at hand, the claimant was receiving SSI benefits, but those benefits were suspended for the months of April through December 2010. The department was allowed to speak to an individual from the Social Security Administration to determine

whether or not the claimant had in fact received an SSI payment for the month of January, 2011. The information provided by the department indicates that yes, the claimant did in fact receive an SSI payment for the month of January, 2011 (see Department Exhibit 7). In this communication, the department representative stated that because the claimant did receive his regular SSI payment for the month of January, 2011, the department should have issued a SSP payment for that month. Based on the information and statements provided by the department, this Administrative Law Judge finds that the claimant should have received an SSP payment for the month of January, 2011.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department improperly withheld the claimant's SSP payment for the month of January, 2011 due to the claimant not receiving a regular SSI payment.

Accordingly, the department's actions are **REVERSED**. The department shall issue a SSP payment to the claimant for the month of January, 2011 if the claimant is otherwise eligible to receive such.

_____/s/_____
Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: October 12, 2011
Date Mailed: October 12, 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 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.

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