

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-9391
Issue No: 4070

[REDACTED] ry 13, 2011

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 January 13, 2011. The claimant was represented by attorney, [REDACTED]. Witnesses included [REDACTED], the claimant's guardian and mother, and [REDACTED], a staff member from [REDACTED].

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's SSI payments ended in May, 2010. (Department Exhibit 3 – 5)
2. The claimant stopped receiving the State SSI payment (SSP) on May 31, 2010. (Department Exhibit 2)
3. The claimant's representative submitted a hearing request on June 30, 2010.

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's attorney is disputing the department's determination to discontinue the claimant's SSP payments. The claimant's federal SSI payments were ended in May, 2010. The claimant's attorney has submitted a Request for Reconsideration with the Social Security Administration and requests the SSP payments continue pending the outcome of this hearing.

Department policy indicates that clients will only receive SSP benefits for those months that the client receives a regular monthly federal benefit. BEM 660. As the claimant is not receiving a regular monthly federal benefit, the SSP can not be issued.

DECISION AND ORDER

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

Accordingly, the department's determination is UPHELD. SO ORDERED.

