

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

IN THE MATTER OF:



Reg. No: 20121492
Issue No: 2027
Case No: [REDACTED]
Hearing Date: October 27, 2011
Montcalm County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

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 received on August 30, 2011. After due notice, a telephone hearing was held on October 27, 2011. Claimant personally appeared and provided testimony.

ISSUE

Whether the department properly determined Claimant's eligibility for a quarterly State Supplemental Security Income (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. In August, 2011, the department received information from the Social Security Administration that Claimant was no longer eligible for SSI due to Claimant's receipt of Retirement, Survivors and Disability Insurance (RSDI). (Department Exhibits 1-4)
2. On August 23, 2011, the department mailed Claimant a Notice of Quarterly State SSI Payment Change, advising Claimant that, effective August 23, 2011, Claimant's quarterly State SSI payment was being canceled based on the SSA's notification that Claimant is no longer eligible for SSI. (Department Exhibit 1)
3. On August 29, 2011, Claimant submitted a hearing request, protesting the cancellation of his quarterly State SSI payment. (Department Exhibit 1, p. 2)

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

Supplemental Security Income (SSI) is a cash benefit for needy individuals who are aged (at least 65), blind or disabled. BEM 660. It is a federal program administered by the Social Security Administration (SSA). The SSA determines SSI eligibility. States are allowed the option to supplement the federal benefit with state funds. In Michigan, the Department of Human Services (DHS or department) supplements federal SSI payments with a State SSI payment to SSI recipients in the following living arrangements: independent living; or living in the household of another person and receiving partial or total support and maintenance in kind from that person. BEM 660.

The State SSI payments are issued quarterly and paid the last month of each quarter. The yearly quarters are: January through March; April through June; July through September; and October through December. BEM 660.

In this case, the department received information in August 2011 from the Social Security Administration that Claimant was no longer eligible for SSI due to Claimant's receipt of RSDI benefits. The department thereafter mailed Claimant a Notice of Quarterly State SSI Payment Change, advising Claimant that, effective August 23, 2011, Claimant's quarterly State SSI payment was being canceled based on the SSA's notification that Claimant is no longer eligible for SSI.

During the hearing, Claimant acknowledged that he did receive RSDI benefits but wanted to discuss the Social Security Administration's determination that he was no longer eligible for SSI benefits. Claimant was informed that this Administrative Law Judge was not employed by the Social Security Administration and lacked the authority to opine on actions taken by the SSA.

The Administrative Law Judge therefore finds that, based on the material and substantial evidence presented during the hearing, the Department acted in accordance with policy in canceling Claimant's quarterly State SSI payment based on the SSA's notification that Claimant is no longer eligible for SSI.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, the Department acted in accordance with policy in canceling Claimant's quarterly State SSI payment based on the SSA's notification that Claimant is no longer eligible for SSI. Accordingly, the Department's action is **UPHELD**.

It is SO ORDERED.

/s/

Suzanne D. Sonneborn
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: October 28, 2011

Date Mailed: October 31, 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.

SDS/cr

cc:

