

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201238883
Issue No: 2018
Case No: [REDACTED]
Hearing Date: April 19, 2012
Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: COREY A. ARENDT

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on April 19, 2012 from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED].

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. On or around January 1, 2012, the Claimant received his monthly SSI payment from the federal government.
2. On or around February 1, 2012, the Claimant received his monthly SSI payment from the federal government.
3. On or around March 1, 2012, the Claimant received his monthly SSI payment from the federal government.
4. On February 21, 2012 the Department sent the Claimant a Notice of Quarterly State SSI Payment Change. The Department indicated the Claimant had not received his regular first of the month SSI checks for the months of January and February of 2012 and therefore was reducing his quarterly State SSI payment.
5. On March 1, 2012, the Claimant submitted a timely hearing request, protesting the reduction of his 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 failed to show any evidence either showing or indicating the Claimant did not receive a regular first of the month SSI payment. In addition, the Claimant testified there was no lapse in regular payments. The Claimant indicated he received his regular first of the month payments on January 1, 2012, February 1, 2012 and March 1, 2012.

Consequently, I find that more likely than not, the Claimant did in fact receive his regular first of the month payments for each of the months in question. Therefore, the Claimant is entitled to the additional supplemental State SSI payments.

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**.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate a redetermination as to the Claimant's eligibility for the supplemental state SSI payment for the first quarter of 2012 and issue the supplemental state SSI payment if the Claimant is otherwise eligible and qualified.

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

Date Signed: April 20, 2012
Date Mailed: April 20, 2012

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CAA/cr

cc:

