

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

IN THE MATTER OF:



Reg. No: 201241440
Issue No: 4070
Case No: [REDACTED]
Hearing Date: May 2, 2012
Kent 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 May 2, 2012. 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. On February 21, 2012, the department sent the claimant notice that her State Supplemental Payments would be decreasing due to her not receiving a regular SSI payment.
3. The claimant filed a request for hearing on March 15, 2012 protesting the reduction of his SSP payment.

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 department testified that the claimant's SSP payment was reduced because she did not receive a regular SSI check for the month of January, 2012. The department representative testified that the claimant was not considered to have received a regular SSI payment for the month of January, 2012 because her check was not issued until January 3, 2012, as opposed to January 1, 2012. However, there is no evidence that said payment was a retroactive or supplemental payment, which would preclude issuance of the SSP payment. Policy directs that SSP payments will not be issued for retroactive or supplemental payments. There is no evidence that the payment received by the claimant for the month of January 2012 was either a supplemental or retroactive payment. Therefore, the Administrative Law Judge determines that the department improperly reduced the claimant's SSP amount.

DECISION AND ORDER

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

Accordingly, the department's actions are **REVERSED**. If the claimant is otherwise eligible to receive such, the department shall issue any supplemental SSP benefits that the claimant is otherwise eligible to receive for the SSP check issued in March, 2012.

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

Date Signed: May 4, 2012

Date Mailed: May 7, 2012

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.

CSS/cr

cc:

