

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2013-16602
Issue No: 2018
Case No: [REDACTED]
Hearing Date: June 13, 2013
Saginaw 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 June 13, 2013 from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED] (Claimant's Husband). Participants on behalf of Department of Human Services (Department) included [REDACTED] [REDACTED] [REDACTED]

ISSUE

Did the Department properly determine the Claimant's Quarterly 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. As of November 2012, the Claimant received a quarterly SSI payment from the Department.
2. On November 20, 2012, the Department sent the Claimant a notice of State SSI Payment Change form. The notice indicated that due to a change in law, the Claimant's quarterly payment was being reduced to \$ [REDACTED]
3. On December 3, 2012, the Claimant requested a hearing.

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. Payment levels are determined using Reference Table (RFT) 248. BEM 660.

The Department does not leave the determination of living arrangements up to the Federal Government. Rather, the Department leaves the **administration of mandatory supplements** for mandatory SSI recipients for all living arrangements up to the Federal Government. BEM 660.

In this case, the Claimant's representative indicated he and the Claimant were married and living together but that the Claimant was the only person receiving SSI payments in the household. Based upon my interpretation of the RFT 248 (State SSI Payment level), the Independent Living/Couple line is the payment level line that is referenced for parties matching the Claimant's situation. Therefore, based upon RFT 248, the State SSI payment for an independent living couple is \$ [REDACTED] each month (\$ [REDACTED] a quarter).

Consequently, I find the Department properly determined the Claimant's quarterly State SSI payment.

DECISION AND ORDER

I find, based upon the above findings of fact and conclusions of law, that the Department properly determined the Claimant's quarterly State SSI Payment.

Accordingly, the Department's action is **AFFIRMED**.



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

Date Signed: June 14, 2013

Date Mailed: June 14, 2013

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/las

cc:

