

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201327537
Issue No.: 2027
Case No.: [REDACTED]
Hearing Date: May 23, 2013
County: Wayne DHS (76)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 May 23, 2013, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist, and [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly reduced Claimant's Michigan-issued Supplemental Security Income (SSI) payment.

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant was an ongoing SSI recipient.
2. Claimant was a married individual.
3. Claimant's spouse was not an SSI recipient.
4. On 11/20/12, DHS mailed Claimant a notice (Exhibit 1) that Claimant's quarterly Michigan-issued SSI payment would be reduced from \$42 to \$30.50, effective the quarter of 10/2012-12/2012.
5. On 2/1/13, Claimant requested a hearing to dispute the state-issued SSI reduction.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). DHS administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Claimant requested a hearing concerning a reduction of State of Michigan issued SSI benefits. SSI is a cash benefit to needy persons who are aged (at least 65), blind or disabled. BEM 660 (11/2012), p. 1. It is a federal program administered by the Social Security Administration. *Id.* 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. *Id.*

DHS contended that as a married individual receiving SSI, Claimant was entitled to receive \$10.50/month. Claimant contended that \$10.50/month is the appropriate issuance only if a husband and wife are both SSI recipients. It was not disputed that Claimant's spouse was not an SSI recipient.

The amount of the state benefit varies by living arrangement. *Id.* Payment levels are found in RFT 248. *Id.* DHS lists the appropriate SSI payment in chart form:

<u>SSI Living Arrangement</u>	<u>Federal SSI Pay</u>	<u>State SSI Pay</u>
Independent living / individual	\$710	\$14
Independent living / couple	\$1066	\$21 (\$10.50 each)

Looking only at the first column, it would make sense that Claimant, as a married person, would receive a monthly pay of \$10.50. This tends to support the correctness of the DHS action. However, the first column does not exist in a vacuum.

The second column identifies federal SSI payment amounts. DHS did not have to include this column but chose to do so; thus, it must have some significance. It was not disputed that Claimant receives federal SSI of \$710, not \$1066. Claimant's federal SSI issuance amount suggests that Claimant should receive \$14/month in state-issued SSI.

Turning to the third column, DHS is to give "\$21 (\$10.50 each)" for an independent living couple. "Each" implies that more than one person received SSI. This also lends support that "Independent living / couple" was intended to mean a couple where both persons receive SSI.

Presumably, the logic for state-issued SSI payments mirrors federal-issued payments. It is known that SSA does not reduce SSI payments solely because of marital status. Federal SSI payments are reduced for married couples (to \$1066) when a husband and wife receive SSI. Applying the same logic to Claimant's circumstances would justify a finding that Claimant is entitled to a \$14/month state-issued amount.

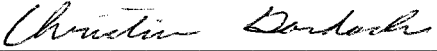
Based on the above considerations, it is found that DHS policy dictates paying \$14 in SSI to married individuals when the spouse does not receive SSI. As those are Claimant's circumstances, it is found that Claimant is entitled to receive \$14/month in state-issued SSI and that the reduction in SSI benefits was improper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly determined Claimant's eligibility for state-issued SSI benefits. It is ordered that DHS:

- (1) determine Claimant's eligibility for state-issued SSI, effective the quarter 10/2012-12/2012, based on the individual rate because her spouse does not receive SSI; and
- (2) supplement Claimant for any state-issued SSI as a result of the improper reduction.

The actions taken by DHS are REVERSED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 6/12/2013

Date Mailed: 6/12/2013

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. (60 days for FAP cases)

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

CG/hw

cc:

