

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

IN THE MATTER OF:



Reg. No.: 201323324
Issue No.: 2027
Case No.: [REDACTED]
Hearing Date: June 11, 2013
County: Ingham

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

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 11, 2013 from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] (Claimant's Authorized Hearing Representative (AHR)). Participants on behalf of Department of Human Services (Department) included [REDACTED] (Eligibility Specialist).

ISSUE

Did the Department properly cancel Claimant's State Supplemental Security Income (SSI) payments?

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 actively receiving Retirement, Survivors and Disability Insurance (RSDI) and Supplemental Security Income (SSI).
2. Claimant was receiving a quarterly State SSI payment.
3. On November 20, 2012, the Department received notification from the Social Security Administration (SSA) that he did not receive a regular first of the month SSI check for 3 consecutive months.
4. On November 20, 2012, the Department mailed Claimant a Notice of State SSI Payment Change (DHS-430) which indicated that Claimant's quarterly State SSI Payment has been cancelled effective November 20, 2012.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

Supplemental Security Income (SSI) is a cash benefit to needy persons who are aged (at least 65), blind or disabled. BEM 660. It is a federal program administered by the Social Security Administration (SSA). BEM 660. States are allowed the option to supplement the federal benefit with state funds. BEM 660. In Michigan, SSI benefits include a basic federal benefit and an additional amount paid with state funds. BEM 660. The amount of the state benefit varies by living arrangement. BEM 660.

The SSA issues the federal benefit to all SSI recipients. BEM 660. The SSA also issues the state funded benefit for SSI recipients in the following living arrangements: adult foster care including domiciliary care, personal care, home for the aged, or institution including a nursing home. BEM 660.

Initially, a lump sum check maybe issued for any retroactive benefits. BEM 660. Thereafter, the SSA issues SSI benefits monthly, on the first of the month. BEM 660. SSP benefits are issued quarterly. These benefits are paid the last month of each quarter. The yearly quarters are: (1) January through March; (2) April through June; (3) July through September; and (4) October through December. BEM 660.

Payments are made for only those months the recipient received a regular first of the month federal benefit. BEM 660. These are shown on SOLQ as a recurring payment dated the first of the month. BEM 660. SSPs are not issued for retroactive or supplemental federal benefits. BEM 660.

Here, the Department contends that when the SSA indicated that Claimant did not receive a regular first of the month SSI check for 3 months, he was no longer eligible for a State SSI Payment. Claimant's AHR, who attended the hearing, did not directly dispute the Department, but expressed concerns about a possible loss of Claimant's RSDI and/or SSI checks.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). The weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). Moreover, it is for the fact-finder to gauge the demeanor and veracity of the witnesses who appear before him, as best he is able. See, e.g., *Caldwell v Fox*, 394 Mich 401, 407; 231 NW2d 46 (1975); *Zeeland Farm Services, Inc v JBL Enterprises, Inc*, 219 Mich App 190, 195; 555 NW2d 733 (1996).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record, including the SOLQ which confirmed that Claimant did not

receive a regular first of the month SSI check for 3 months. The SOLQ showed that in 2012 Claimant actually did not receive regular SSI checks for the months of September (\$209.50), October (\$157.61) and November (\$20.89 & \$159.50). The Department acted in accordance with BEM 660. Based on the competent, material, and substantial evidence presented during the hearing, this Administrative Law Judge finds that the Department properly cancelled Claimant's State SSI Payments.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department did act properly when it cancelled Claimant's State SSI Payments because he did not receive a regular first of the month SSI check for 3 months.

Accordingly, the Department's State SSI Payment decision is **AFFIRMED**.

IT IS SO ORDERED.

/s/ _____
C. Adam Purnell
Administrative Law Judge
for Maura 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. (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.

2013-23324/CAP

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

CAP/aca

cc:

