

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 20138701
Issue No.: 4070
Case No.: [REDACTED]
Hearing Date: March 20, 2013
County: Lapeer

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on March 20, 2013. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly stop Claimant's State Supplemental Security Income payment?

FINDINGS OF FACT

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

- (1) Claimant was an ongoing recipient of Retirement, Survivors, Disability Insurance (RSDI), Supplemental Security Income (SSI) and State Supplemental Security Income (SSP) benefits.
- (2) On August 21, 2012, Claimant was sent a Notice of Quarterly State SSI Payment Change (DHS-430) which stated her quarterly State SSI Payment had been cancelled.
- (3) On September 1, 2012, Claimant's RSDI eligibility ended. Claimant did not get her Supplemental Security Income (SSI) payment.
- (4) On September 2, 2012, Claimant received her September 2012 SSI payment.
- (5) On August 29, 2012, Claimant submitted a timely request for hearing.

CONCLUSIONS OF LAW

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).

In this case the Notice of Quarterly State SSI Payment Change (DHS-430) was issued automatically based on data exchange between BRIDGES and the Social Security Administration. The evidence in this record does not support a conclusion that Claimant was no longer eligible for SI or was no longer receiving SSI payments.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly stop Claimant's State Supplemental Security Income payment.

It is ORDERED that the actions of the Department of Human Services, in this matter, are REVERSED.

It is further ORDERED that Claimant's SSP be reinstated and continue to be processed in accordance with Department policy.

/s/

Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 4/16/13

Date Mailed: 4/17/13

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.

20138701/GFH

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

GFH/tb

cc:

