

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-16789
Issue No(s): 2027
Case No.: [REDACTED]
Hearing Date: January 30, 2014
County: Calhoun

ADMINISTRATIVE LAW JUDGE: Michael S. Newell

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on January 30, 2014, from Lansing, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Eligibility Specialist.

ISSUE

Did the Department properly cancel Claimant's SSI Supplement?

FINDINGS OF FACT

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

1. On August 20, 2013, the Department sent Claimant a Notice of SSI Payment Change because Claimant "did not receive a regular first of the month SSI payment."
2. Thus Claimant was ineligible for the State SSI supplement, effective August 20, 2013. Claimant did not file a hearing request.
3. Claimant did not receive an SSI payment because his SSI cancelled and Claimant received RSDI instead.
4. On November 19, 2013, the Department sent Claimant a Notice of SSI Payment Change because Claimant "did not receive a regular first of the month SSI payment."
5. Thus Claimant was ineligible for the State SSI supplement, effective November 19, 2013.

6. The worker did not know why the Department sent Claimant the November 19, 2013 Notice since there had been no change since the August 20, 2013 notice.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The State SSI Payments (SSP) program is established by 20 CFR 416.2001-.2099 and the Social Security Act, 42 USC 1382e. The Department administers the program pursuant to MCL 400.10.

Additionally, Supplemental Security Income (SSI) is a cash benefit for needy individuals who are aged (at least 65), blind or disabled. BEM 660. It is a federal program administered by the Social Security Administration (SSA). The SSA determines SSI eligibility. States are allowed the option to supplement the federal benefit with state funds. In Michigan, the Department of Human Services (DHS or department) supplements federal SSI payments with a State SSI payment to SSI recipients in the following living arrangements: independent living; or living in the household of another person and receiving partial or total support and maintenance in kind from that person. BEM 660.

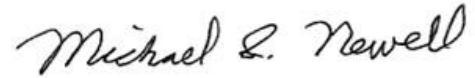
The State SSI payments are issued quarterly and paid the last month of each quarter. The yearly quarters are: January through March; April through June; July through September; and October through December. BEM 660.

The decision to stop paying Claimant SSI was a decision of the federal government and not a decision of the State of Michigan. Accordingly, the Administrative Law Judge lacks jurisdiction with regard to decisions of the federal government. Because Claimant did not receive a quarterly SSI payment from the federal government, the Department is not authorized to provide Claimant a SSI supplement. See BEM 660. The Department acted in accordance with policy.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it did not issue Claimant a SSI supplement.

DECISION AND ORDER

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



Michael S. Newell
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 21, 2014

Date Mailed: February 21, 2014

NOTICE OF AP PEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

2014-16789/MSN

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

MSN/las

cc:

