

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2014-15971  
Issue No.: 7002  
Case No.: [REDACTED]  
Hearing Date: February 19, 2014  
County: Wayne (82-57)

**ADMINISTRATIVE LAW JUDGE:** Alice C. Elkin

**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 February 19, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist, and [REDACTED], Family Independence Manager.

**ISSUE**

Did the Department properly reduce Claimant's State SSI Payment (SSP) benefits?

**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 recipient of SSP benefits.
2. On November 19, 2013, the Department sent Claimant (i) a Notice of Case Action notifying him that he would receive \$14 month in monthly SSP benefits to be issued in quarterly payments on March 19, June 12, September 13, and December 11, and (ii) a Notice of State SSI Payment Change informing him that because he did not receive a regular first of the month Supplemental Security Income (SSI) payment from the Social Security Administration (SSA), he would receive a reduced SSP payment issued to him on December 13, 2013.
3. In December 2013, Claimant received a quarterly SSP payment of \$28 covering the months of October 2013 and November 2013 only.

4. On December 2, 2013, Claimant filed a request for hearing concerning the reduced SSP benefits.

### **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, SSP is an additional state payment made to SSI recipients based on living arrangement. BEM 660 (July 2013), pp. 1-2. SSP payments are made for only those months the SSI recipient received a regular first of the month federal benefit. BEM 660, p. 1. These SSI payments are shown on SOLQ as a **“recurring payment dated the first of the month.”** BEM 660, p. 1.

At the hearing, the Department testified that Claimant was not eligible for SSP benefits for December 2013 because he was not issued SSI benefits by SSA for December 2013, only Retirement, Survivors and Disability Insurance (RSDI) benefits. Claimant responded that he did receive his monthly \$105 SSI benefit in December 2013, which increased to \$107 effective January 1, 2014.

The Department provided a copy of Claimant's report from the Single Online Query (SOLQ), the Department's data exchange with the SSA, into evidence. The SOLQ showed that Claimant received recurring payments dated the first of the month for August 1, 2013, ongoing. Although the SOLQ shows that he did not receive a regular, recurring payment for July 1, 2013, this fact does not support the Department's testimony that a recurring SSI payment was not made on December 1, 2013. Therefore, the Department did not act in accordance with Department policy when it reduced Claimant's December 2013 SSP quarterly payment and excluded any SSP for the month of December 2013.

It is noted that the Department may be eligible to recoup any overissued SSP benefits for July 2013. See BEM 660, p. 2. However, at the hearing, Claimant explained that there was an ongoing glitch in his SSI payments resulting in SSA having to manually issue SSI benefits to him. The SOLQ shows that a supplemental SSI payment was issued to Claimant for July 1, 2013, in an amount equal to his usual first of the month monthly \$105 SSI payment, consistent with Claimant's testimony that there were issues in his SSI benefits being timely issued. In light of Claimant's testimony, the Department is advised to verify information from SSA concerning the status of Claimant's SSI case before pursuing any recoupment. See BAM 801 (July 2013), pp. 2-3.

It is further noted that, after the hearing, the Department provided a February 18, 2013, Notice of State SSI Payment Change showing that Claimant would receive a reduced SSI payment on March 14, 2014. This Notice was **not** discussed during the hearing or admitted into evidence and, as such, is not addressed in this hearing request. Claimant is advised that he should request a hearing if he disputes this Department's action.

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 did not act in accordance with Department policy when it reduced Claimant's SSP benefits.

**DECISION AND ORDER**

Accordingly, the Department's decision is REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Issue supplements to Claimant for SSP benefits he was eligible to receive for December 2013.



**Alice C. Elkin**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: March 4, 2014

Date Mailed: March 5, 2014

**NOTICE OF APPEAL:** 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;

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- 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.

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

ACE/pf

cc:

