

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201421288
Issue No.: 7002
Case No.: [REDACTED]
Hearing Date: March 19, 2014
County: Eaton County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 March 19, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED] and [REDACTED] [REDACTED] as authorized hearings representative and translator for the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED]

ISSUE

Whether the Department of Human Services (Department) properly closed the Claimant's State Supplemental Security Income (SSI) supplemental benefits?

FINDINGS OF FACT

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

1. The Claimant was an ongoing State Supplemental Security Income (SSI) recipient.
2. The Claimant's Supplemental Security Income (SSI) benefits closed because the Social Security Administration determined that she has less than 40 credits of earnings.
3. On November 19, 2013, the Department notified her that it would terminate her State Supplemental Security Income (SSI) benefits.
4. The Department received the Claimant's request for a hearing on January 7, 2014, protesting the termination of her State Supplemental Security Income (SSI) benefits.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

Supplemental Security Income (SSI) is a cash benefit to needy persons who are aged (at least 65), blind or disabled. It is a federal program administered by the Social Security Administration (SSA). 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. Payments are made for only those months the recipient received a regular first of the month federal benefit. Department of Human Services Bridges Eligibility Manual (BEM) 660 (July 1, 2013), p 1.

In this case, the Claimant was an ongoing State Supplemental Security Income (SSI) recipient. The Social Security Administration closed the Claimant's federal Supplemental Security Income (SSI) benefits case because it determined that she has less than 40 credits of earnings. Upon discovering the closure of her federal benefits, the Department notified the Claimant on November 19, 2013, that it would terminate her State Supplemental Security Income (SSI) benefits.

The Claimant does not dispute that her Supplemental Security Income (SSI) benefits were closed and it is beyond the jurisdiction to determine whether the acts of the Social Security Administration were proper.

However, this Administrative Law Judge finds that the Department was acting in accordance with BEM 660 when it terminated the Claimant's State Supplemental Security Income (SSI) benefits.

DECISION AND ORDER

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 closed the Claimant's State Supplemental Security Income (SSI) benefits.

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



Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: March 26, 2014

Date Mailed: March 26, 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;
- 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

KS/hj

cc:

