

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 2014-30075
Issue No(s): 7002
Case No.: ██████████
Hearing Date: April 16, 2014
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 April 16, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████, Eligibility Specialist.

ISSUE

In dispute was whether the Department properly closed Claimant's State Supplemental Security Income (SSI) Payment (SSP)?

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 payments. See Exhibit 1.
2. Claimant is an ongoing recipient of Retirement, Survivors, Disability Insurance (RSDI) income from the Social Security Administration (SSA). See Exhibit 1.
3. On February 18, 2014, the Department sent Claimant a Notice of State SSI Payment (SSP) Change letter notifying her that effective February 18, 2014, her quarterly SSP has been cancelled due to her not receiving a regular first of the month SSI payment for three months. See Exhibit 1.

4. On February 24, 2014, Claimant filed a hearing request, protesting the Department's action. See Exhibit 1.

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.

Supplemental Security Income (SSI) is a cash benefit to needy persons who are aged (at least 65), blind or disabled. BEM 660 (July 2013), p. 1. It is a federal program administered by the Social Security Administration (SSA). BEM 660, p. 1. States are allowed the option to supplement the federal benefit with state funds. BEM 660, p. 1. In Michigan, SSI benefits include a basic federal benefit and an additional amount paid with state funds. BEM 660, p. 1. The amount of the state benefit varies by living arrangement. BEM 660, p. 1.

DHS issues the SSP payment to SSI recipients in the following living arrangements: independent living and household of another (living in the household of another person and receiving partial or total support and maintenance in kind from that person). BEM 660, p. 1. Moreover, independent living/individuals receive SSP payments in the amount of \$14 monthly. RFT 248 (January 2014), p. 1.

Payments are made for only those months the recipient received a regular first of the month federal benefit. BEM 660, p. 1. These are shown on SOLQ as a recurring payment dated the first of the month. BEM 660, p. 1. SSPs are not issued for retroactive or supplemental federal benefits. BEM 660, p. 1.

SSP benefits are issued quarterly. BEM 660, p. 1. These benefits are paid the last month of each quarter. BEM 660, p. 1; see RFT 248, p. 1. The yearly quarters are:

- January through March.
- April through June.
- July through September.
- October through December.

BEM 660, pp. 1-2.

In this case, it was not disputed that Claimant was disabled. Also, Claimant was an ongoing recipient of SSP payments. See Exhibit 1. On February 18, 2014, the Department sent Claimant a Notice of State SSI Payment (SSP) Change letter notifying

her that effective February 18, 2014, her quarterly SSP has been cancelled due to her not receiving a regular first of the month SSI payment for three months . See Exhibit 1.

At the hearing, Claimant testified that she receives her SSA income and indicated it was approximately \$569 per month. Additionally, Claimant last received an SSP payment in the amount of \$28 on December 10, 2013. See Exhibit 1. During the hearing, the Department's testimony appeared to indicate that it determined the SSP closed due to Claimant's earnings. However, a review of the SOLQ indicated that Claimant is an ongoing recipient of RSDI income. See Exhibit 1. Both parties appeared to indicate that Claimant received SSI income.

Furthermore, the SOLQ indicated a RSDI payment history for several years. See Exhibit 1. Contrast to the SSI payment history, the SOLQ indicated sporadic advance payment or overpayment recovered every month (last one occurring in November 2013) for small amounts. See Exhibit 1. Therefore, the evidence is persuasive that Claimant receives RSDI income and she has not received SSI income for more than three months. See Exhibit 1. Because the Claimant has not received a regular first of the month SSI payment for three months, the Department acted in accordance with Department policy when it properly closed her SSP payment effective February 18, 2014, ongoing. BEM 600, pp. 1-4 and RFT 248, p. 1.

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 properly closed Claimant's State SSI Payment (SSP) effective February 18, 2014, ongoing.

Accordingly, the Department's SSP decision is AFFIRMED.



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 24, 2014

Date Mailed: April 24, 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

EJF/cl

CC:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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