

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

IN THE MATTER OF:

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Reg. No.: 15-004552
Issue No.: 7002
Case No.: ██████████
Hearing Date: May 06, 2015
County: Wayne-District 57 (Conner)

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on May 6, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant; ██████████, Claimant's grandmother and authorized hearing representative (AHR1); and ██████████, Claimant's aunt and authorized hearing representative (AHR2). Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Family Independence Manager.

ISSUE

Did the Department properly close Claimant's State SSI Payment (SSP) case?

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 Supplemental Security Income (SSI) benefits from the Social Security Administration (SSA) and SSP from the Department.
2. Claimant's SSI terminated January 31, 2015 (Exhibit B).
3. On February 17, 2015, the Department sent Claimant a Notice of State SSP Payment Change notifying her that her quarterly SSP payment had been cancelled and she would receive her last payment March 13, 2015 (Exhibit A).
4. On March 16, 2015, Claimant requested a hearing disputing the Department's actions.

CONCLUSIONS OF LAW

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

SSP is quarterly payment based on living arrangement made by the State to SSI recipients. 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; BAM 600 (April 2015), pp. 30-31. These SSI payments are shown on the Single Online Query (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 because it was notified by SSA that Claimant was no longer eligible for SSI. The Department provided a copy of Claimant’s report from the SOLQ, the Department’s data exchange with the SSA, into evidence. The SOLQ showed that Claimant last received SSI in January 2015, that there was no “recurring payment dated the first of the month” identified after January 2015, and that no payment was made in February 2015 (Exhibit B, p. 2). AHR1 confirmed that Claimant had not received any SSI payments since January 2015, although she was not sure why SSI payments had ended and testified that she never received notice from SSA concerning the closure of Claimant’s SSI case.

Based on the evidence showing that Claimant’s SSI case had been closed by SSA effective January 31, 2015, the Administrative Law Judge finds that the Department acted in accordance with Department policy when it closed Claimant’s SSP case.

DECISION AND ORDER

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



Alice C. Elkin
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **5/8/2015**

Date Mailed: **5/8/2015**

ACE / tlf

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date. A copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from MAHS within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion. MAHS **MAY** grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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 48909-8139

