

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 15-001122
Issue No.: 7002
Case No.: ██████████
Hearing Date: April 02, 2015
County: OAKLAND-DISTRICT 3
(SOUTHFIELD)

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 2, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant, ██████████ and Claimant's spouse/witness, ██████████. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████, Hearings Facilitator.

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.
2. Claimant is an ongoing recipient of Retirement, Survivors, Disability Insurance (RSDI) income from the Social Security Administration (SSA). See Exhibit 1, pp. 4-8.
3. On or around November 2014, Claimant was no longer an SSI recipient. See Exhibit 1, pp. 7-8.

4. On November 18, 2014, the Department sent Claimant a Notice of State SSI Payment (SSP) Change letter notifying him that effective November 18, 2014, his quarterly SSP has been cancelled due to the SSA notifying the Department that he is no longer eligible for SSI. See Exhibit 1, p. 2. The notice also indicated that his last payment is scheduled to be issued on December 12, 2014. See Exhibit 1, p. 2.
5. On January 20, 2015, Claimant filed a hearing request, protesting the Department's action. See Exhibit 1, p. 3.

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 Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

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.

Preliminary matter

As a preliminary matter, Claimant also testified that he disputed the closure of his MA benefits. However, Claimant failed to request a proper hearing to dispute his MA closure. As such, this Administrative Law Judge (ALJ) lacks the jurisdiction to address his MA closure. See BAM 600 (January 2015), pp. 4-6. Claimant can attempt to file another hearing request to dispute the MA closure. See BAM 600, pp. 4-6.

SSP program

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. It should be noted that Claimant indicated that he received [REDACTED] in quarterly payments.

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, Claimant's State On-Line Query (SOLQ) indicated that he was no longer an SSI recipient as of November 1, 2014. See Exhibit 1, p. 8. Rather, Claimant was only receiving RSDI payments. See Exhibit 1, pp. 6-8. Claimant and his witness did not dispute that his SSI payments ended on or around November to December of 2014. Nevertheless, the evidence presented that Claimant was no longer an SSI recipient as of November 2014, ongoing. See SOLQ, Exhibit 1, pp. 6-8. Policy indicates that DHS issues SSP to SSI recipients. See BEM 660, pp. 1-4. Because the Claimant was no longer an SSI recipient, he was no longer eligible for the SSP program. Therefore, the Department acted in accordance with Department policy when it properly closed his SSP benefits effective November 18, 2014. BEM 660, 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 November 18, 2014.

Accordingly, the Department's SSP decision is AFFIRMED.



Eric Feldman
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **4/6/2015**

Date Mailed: **4/8/2015**

EJF/tm

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 party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (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

CC:

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