



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: July 19, 2016
MAHS Docket No.: 16-007273
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

Following Petitioner'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 July 18, 2016, from Detroit, Michigan. The Petitioner was represented by the Petitioner. A translator, [REDACTED], appeared on behalf of the Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator, and [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly close the Petitioner's State Supplemental Security Income Payment (SSP) quarterly supplement payments?

FINDINGS OF FACT

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

1. The Petitioner was an ongoing recipient of Supplemental Security Income (SSI) from the Social Security Administration (SSA). The Petitioner's SSI was terminated by SSA based upon the State Online Query (SOLQ) as of [REDACTED] Exhibit 2.
2. The Department sent the Petitioner a Notice of State SSI Change dated [REDACTED] [REDACTED] advising the Petitioner that his SSP quarterly payment would be ending. Exhibit 1.

3. On April 20, 2016, the Department issued a Notice of Case Action approving the Petitioner for SSP effective [REDACTED]. Exhibit 2.
4. The Department did not issue an SSP payment to the Petitioner for the months of [REDACTED] and [REDACTED] because he did not receive SSI. Exhibit 3.
5. The Petitioner requested a timely hearing on [REDACTED], protesting 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.

In this case, The Department closed the Petitioner's SSP case effective [REDACTED], due to the closure of the Petitioner's SSI case by the Social Security Administration. Exhibit 1. At the time of the hearing, the Petitioner's SSI had been reinstated by SSA effective [REDACTED]. Because the SSA had cancelled the Petitioner's SSI, the Department cancelled the Petitioner's SSP program benefits for the months of [REDACTED], [REDACTED], as the Department's information indicated that Petitioner's SSI closed in [REDACTED] and started again [REDACTED]. Based upon Department policy, SSP payments are made through a federal program administered by the SSA and the state of Michigan has chosen to provide supplemental funding to SSI recipients as follows:

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. The amount of the state benefit varies by living arrangement. BEM 660 (January 1, 2016), p. 1.

The Michigan Department of Health and Human Services (MDHHS) issues the State SSI Payment (SSP) to SSI recipients in the following living arrangements:

- Independent living.

- Household of another. (Living in the household of another person and receiving partial or total support and maintenance in kind from that person.)

Note: For payment levels see RFT 248 Reference Tables.

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

SSP benefits are issued quarterly. These benefits are paid the last month of each quarter. The yearly quarters are:

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

Benefit Reduction

The DHS-430, Notice of State SSI Payment Change, is sent to each SSI recipient whose current quarterly State SSI Payment is less than the previous quarterly State SSI Payment. The recipient is referred to the SSI hot line (1-855-275-6424) for questions concerning the benefit reduction.

If the recipient wants to request a hearing, he/she is referred to the local office Hearings Coordinator; see BPG Glossary.

The DHS-430, Notice of State SSI Payment Change, does all of the following:

- Gives recipients timely notice of any proposed benefit reduction.
- Notifies recipients of their hearing rights and the date by which a timely hearing request will preserve benefits at the current level pending the hearing decision.
- Notifies recipients of the date they will receive their next (reduced) quarterly check. BEM 660 p. 3.

In this case the Department closed the Petitioner's SSP benefits effective [REDACTED] based upon notice it received on its SOLQ that Petitioner's SSI would close. Exhibit 2-5. As can be seen by Department policy referenced above (BEM 660), **SSP payments can only be made for those months where the SSI recipient received a regular first of the month federal benefit.** In this case, based upon the information

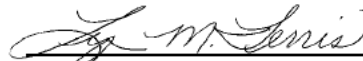
available to the Department, it correctly stopped the Petitioner's SSP benefits for March, [REDACTED]. As established at the hearing, the SSP payments will resume for [REDACTED] and will be paid as part of the quarterly SSP payment for [REDACTED]. Exhibits 2, 4 and 5.

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 Petitioner's SSP case.

DECISION AND ORDER

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

LMF/jaf



Lynn M. Ferris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

DHHS

[REDACTED]

Authorized Hearing Rep.

[REDACTED]

Petitioner

[REDACTED]

cc:

[REDACTED]