



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.: 16-007811
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 [REDACTED] [REDACTED] from Detroit, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED] Family Independence Manager.

ISSUE

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

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 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 State SSI Payment (SSP) quarterly payment would be ending effective [REDACTED]. Exhibit 1.
3. The Department issued an SSP payment to the Petitioner on [REDACTED], in the amount of \$ [REDACTED] covering the months of [REDACTED] and [REDACTED]. Exhibit 3.

4. 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 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 Department of Human Services) 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.

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 SSA. Exhibit 1. At the time of the hearing, the Petitioner had received the SSP program benefits for the months of [REDACTED] and [REDACTED] but not for [REDACTED], as the Department's information indicated that Petitioner's SSI closed in [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 effective [REDACTED]. Exhibit 2. 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

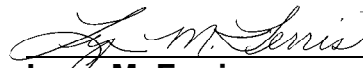
information available to the Department, it issued the Petitioner SSP benefits for [REDACTED] and [REDACTED] but not for [REDACTED] as SSI payments based upon the SOLQ had ended. Once the Petitioner successfully appeals the SSA's determination that he is no longer eligible for SSI, he will be potentially eligible for resumed SSP payments.

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 Petitioners 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]

Petitioner

[REDACTED]

cc:

[REDACTED]