



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 29, 2016  
MAHS Docket No.: 16-008647  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Darryl Johnson

### **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 26, 2016, from Lansing, Michigan. The Petitioner was represented by her mother, [REDACTED]. The Department of Health and Human Services (Department) was represented by Assistance Payments Supervisor [REDACTED].

### **ISSUE**

Did the Department properly close Petitioner's Supplemental Security Payments (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. Petitioner was an on-going recipient of SSP of \$ [REDACTED] per month, paid quarterly, while she was receiving Supplemental Security Income (SSI) from the Social Security Administration.
2. On May 25, 2015, the Department mailed to Petitioner a Notice of State SSI Payment Change (Exhibit 1 Page 3) informing her that her quarterly [SSP] was being cancelled effective May 25, 2016, because "The [SSA] notified the [Department] you are no longer eligible for SSI. This is the last [SSP] you will receive from the [Department]. The payment is scheduled to be issued on 06/14/2016."

3. On June 10, 2016, the Department received a hearing request from Petitioner's mother, challenging the closure of the SSI.
4. Petitioner has appealed the SSA's decision, and while that decision is pending, the SSA continues to pay the SSI.
5. While the SSA continues to pay the SSI, the Department continues to pay the SSP.

### **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.

As explained in BEM 660 (1/1/16) p. 1-2,

#### **State SSI Payment**

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.

In BEM 660, p. 3 the Department is instructed in its responsibilities when the SSI is going to change:

### **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.

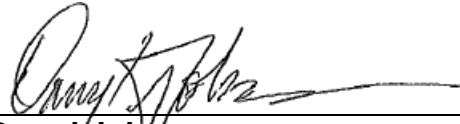
In this case, the SSA informed the Department that Petitioner's SSI would be ending. The Department was then obligated to end her SSP. "Payments are made for only those months the recipient received a regular first of the month federal benefit."

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 terminated Petitioner's SSP.

**DECISION AND ORDER**

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

DJ/mc



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**Darryl Johnson**  
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]

**Authorized Hearing Rep.**

[REDACTED]