



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

Date Mailed: June 17, 2016
MAHS Docket No.: 16-004263
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 May 19, 2016, from Detroit, Michigan. Petitioner is a minor child. The Petitioner was represented by his father, [REDACTED], as Authorized Hearing Representative (AHR). [REDACTED] appeared with [REDACTED] and served as [REDACTED] Interpreter. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly process Petitioner's State Supplement SSI Payment (SSP) program benefits?

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 [REDACTED] is disabled. (Exhibit A)
2. Petitioner receives monthly RSDI and SSI benefits. (Exhibit A)
3. On January 21, 2016, the Department sent Petitioner a State Supplement Payment Notice advising him that he was approved for a supplement of \$14 monthly based on his living arrangement. (Exhibit B)

4. On April 5, 2016, Petitioner's father requested a hearing on behalf of Petitioner, 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 Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Health and Human Services (formerly known as the Department of Human Services) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

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 the present case, it was initially unclear based on Petitioner's hearing request and based on the statements made at the hearing by Petitioner's AHR exactly what negative action taken by the Department the hearing was requested to dispute. The hearing request indicates that at issue is the amount of SDA benefits, however, Petitioner's AHR confirmed that Petitioner was not an ongoing or active recipient of SDA benefits nor was there any application for SDA benefits submitted for Petitioner prior to the hearing request. As such, there was no negative action taken with respect to the SDA program and the hearing request concerning SDA is DISMISSED for lack of jurisdiction. See BAM 600 (October 2015).

After some discussion, Petitioner's AHR clarified that the hearing was requested to dispute the amount of SSP benefits for which Petitioner was approved. The Department presented a SOLQ to show that Petitioner was approved for monthly RSDI and SSI benefits through the Social Security Administration (SSA). (Exhibit A). Petitioner's AHR asserted that he received a notice from the Department advising him that Petitioner was approved for monthly SSP benefits of \$14, an amount which he maintained was insufficient to care for Petitioner, who is disabled. The Department presented a State Supplemental Payment Notice dated January 21, 2016, which was issued informing Petitioner that he will receive \$14 per month based on his living arrangement of Parent's Household-Child and that the payments will be issued quarterly. (Exhibit B). The Department asserted that Petitioner was approved for the standard amount of SSP benefits based on his living arrangement.

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 2016), p.1. The Department issues SSP to SSI recipients in the following living arrangements: Independent living or Household of another (Living in the household of another person and receiving partial or total support and maintenance in kind from that person). SSP payments are issued quarterly and payment levels are determined by RFT 248. BEM 660, pp.1-2; RFT 248 (January 2016), pp. 1-3. Based on Petitioner's living arrangement, RFT 248 provides that Petitioner is eligible to receive a State SSI Payment of \$14 monthly, which when distributed quarterly, is \$42.

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 processed Petitioner's SSP benefits.

DECISION AND ORDER

Accordingly, the hearing request with respect to SDA is **DISMISSED** and the Department's SSP decision is **AFFIRMED**.

ZB/tlf



Zainab A. Baydoun

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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