



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: January 26, 2017
MAHS Docket No.: 16-018983
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], from Detroit, Michigan. The Petitioner was represented by Attorney [REDACTED]. The Petitioner also appeared and testified. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistant Attorney General for the State of Michigan. [REDACTED], Hearing Facilitator also appeared on behalf of the Department as a witness.

ISSUE

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

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 a recipient of a quarterly SSP due to her receipt of SSI from the Social Security Administration (SSA).
2. The Department sent the Petitioner a Notice of State SSI Payment Change on [REDACTED], effective [REDACTED], advising that Petitioner's state SSI quarterly payment was cancelled. The Notice further advised that SSA notified the Department that Petitioner was no longer eligible for SSI. The last payment would be issued on [REDACTED]. Exhibit A.

3. The Petitioner's attorney requested a timely hearing on [REDACTED], protesting the closure of Petitioner's SSP quarterly payments.

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 terminated the Petitioner's quarterly SSP payments effective December 14, 2016 based upon the Petitioner no longer being deemed eligible for SSI payment from the Social Security Administration. The Petitioner's counsel advised that SSA had cancelled the Petitioner's SSI and that Petitioner was appealing SSA's decision to cancel Petitioner's SSI. As of the hearing, the Petitioner's SSI was no longer being paid by the SSA.

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.

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. BEM 660, (1/1/17), p. 1.

When state SSI payments are changed, Notice is sent to each SSI recipient due to a payment change or termination:

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 Department received information regarding the SSA's termination of Petitioner's SSI payments based upon information contained in the State Online Query (SOLQ), a Department interface with SSA. Exhibit B. The SOLQ indicates that the Petitioner began receiving RSDI beginning [REDACTED], and that Petitioner's SSI payments stopped [REDACTED]. Exhibit B. Thus, based upon this information received from the SSA that SSI payments to Petitioner stopped, the Department was required to stop SSP payments and did so after the last payment was made as of [REDACTED].

Based upon the evidence provided and the above-referenced policy, it is determined that the Department properly notified the Petitioner that the Petitioner's last SSP payment would be received on [REDACTED], and properly cancelled the SSP payments as no SSI from the SSA was received for [REDACTED]; and as of [REDACTED], the Petitioner would receive RSDI.

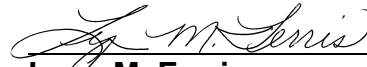
DECISION AND ORDER

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 terminated the Petitioner's SSP quarterly payments due to SSA's termination of Petitioner's SSI.

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

Counsel for Respondent

[REDACTED]

DHHS

[REDACTED]

Counsel for Petitioner

[REDACTED]

Petitioner

[REDACTED]

[REDACTED]