



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: March 13, 2017
MAHS Docket No.: 16-018985
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 February 15, 2017, from Lansing, Michigan. Petitioner was represented by himself. The Department was represented by Hearing Facilitator [REDACTED] [REDACTED] and Family Independence Specialist [REDACTED] [REDACTED] [REDACTED]. Department's Exhibit A, pages 1-18 was admitted into evidence.

ISSUE

Did the Department properly determine Petitioner's eligibility for the State SSI Payment (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 ongoing recipient of Supplemental Security Income (SSI) payments from the Social Security Administration.
2. On June 1, 2016, the Social Security Administration stopped Petitioner's \$ [REDACTED] monthly Supplemental Security Income (SSI) payments.
3. On November 9, 2016, the Social Security Administration issued Petitioner a one-time payment of \$ [REDACTED]

4. On November 22, 2016, the Department sent Petitioner a Notice of Case Action (DHS-1605) which stated he was approved to begin receiving state SSI Payments (SSP), on December 1, 2016.
5. On December 1, 2016, Petitioner began receiving regular Supplemental Security Income (SSI) payments from the Social Security Administration on the first of the month.
6. On December 15, 2016, Petitioner submitted this hearing request.

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.

Petitioner argues that the Social Security Administration paid him Supplemental Security Income (SSI) for October and November so he should get the state supplement for those months also.

Bridges Eligibility Manual (BEM) 660 State SSI Payments provides:

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.)

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.**

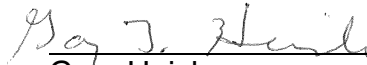
While Petitioner's argument makes sense, BEM 660 clearly specifies that the state supplement is only paid for months that the recipient received a regular first of the month federal benefit. Petitioner did not receive a payment on the first of October or November.

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 determined Petitioner's eligibility for the State SSI Payment (SSP).

DECISION AND ORDER

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

GH/nr



Gary Heisler
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]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]