



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: April 28, 2017
MAHS Docket No.: 17-003706
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 April 19, 2017, from Detroit, Michigan. Petitioner was represented by [REDACTED], his legal guardian. The Department of Health and Human Services (Department) was represented by Ghawana Bennett, Assistance Payment Supervisor.

ISSUE

Did the Department properly reduce Petitioner's State SSI Payment (SSP) paid in March 2017?

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 receives Supplemental Security Income (SSI) from the federal Social Security Administration (SSA) (Exhibit A, pp. 4-6).
2. Petitioner is eligible for quarterly SSP benefits from the Department tied to his SSI payments.
3. On February 23, 2017, the Department sent Petitioner a Notice of Case Action notifying him that his SSP benefit to be issued March 14, 2017 was reduced because he did not receive a regular first of the month SSI payment for one or two months (Exhibit A, pp. 7-8).

4. Petitioner was issued a \$14 SSP benefit on for the period January 2017 to March 2017 (Exhibit C).
5. On [REDACTED], 2017, the Department received Petitioner's guardian's request for hearing disputing the decrease in Petitioner's SSP benefits (Exhibit A, pp. 2-3).

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.

[REDACTED] requested a hearing on Petitioner's behalf to dispute Petitioner's decreased SSP payment. Petitioner is a minor child. [REDACTED] testified that she is Petitioner's grandmother and was appointed his legal guardian shortly after his birth. The Single Online Query (SOLQ) report for Petitioner, which shows Petitioner's status with SSA, identified [REDACTED] as Petitioner's guardian. Accordingly, it was found that [REDACTED] had authority to request a hearing on Petitioner's behalf.

[REDACTED] requested a hearing to dispute the February 23, 2017 Notice of State SSI Payment Change notifying Petitioner that his SSP payment issued March 14, 2017 would be reduced because of changes in his monthly SSI payment for one or two months. A representative may request a hearing to challenge an SSP reduction. BAM 600 (October 2016), p. 30.

SSP is a quarterly payment paid by the State to eligible SSI recipients the last month of each quarter. BEM 660 (January 2017), pp. 1-2. SSP payments are made for only those months the SSI recipient received a regular first of the month federal benefit. BEM 660, p. 1; BAM 600, p. 30. Department policy specifies that these SSI payments are shown on the client's SOLQ report as a "**recurring payment dated the first of the month.**" BEM 660, p. 1 (emphasis in original). Policy further provides that SSPs are not issued for supplemental federal benefits. BEM 660, p. 1.

At the hearing, the Department explained that Petitioner's SSP benefits issued March 14, 2017 were reduced to \$14 because a tape match with SSA indicated that Petitioner did not receive a regular first of the month SSI payment for two months. However, a review of Petitioner's SOLQ report shows that Petitioner was issued consistent, ongoing SSI payments identified as "recurring payment dated the first of the month" since January 1, 2013 (Exhibit A, pp. 5-6). [REDACTED] testified that, consistent with the

SOLQ, Petitioner had received SSI benefits for each month between January 2017 and April 2017. She presented a March 28, 2017 letter from SSA addressed to Petitioner confirming that Petitioner was issued monthly SSI benefits of \$735 beginning January 2017 (Exhibit 1). Because the evidence shows that Petitioner did not have any disruption in SSI payments and the monthly payments are identified on the SOLA as "recurring payment dated the first of the month," the evidence does not support a reduction in Petitioner's SSP payment issued to him in March 2017. Therefore, the Department did not act in accordance with Department policy when it reduced Petitioner's March 2017 SSP benefit to \$14.

At the hearing, the Department worker indicated that the reduction in Petitioner's SSP automatically resulted from a tape match with SSA and not as a result of Department action. She further testified that the Department had no ability to change the SSP issuance. Both the worker and ██████████ testified that they left voicemails on the State SSI payment hotline (1-855-275-6424) identified on the Notice of State SSI Payment Change in an attempt to correct the SSP reduction but did not receive any response. It is noted that Department policy provides that the State SSI Payment Unit at (517) 335-3627 be contacted for assistance if the SOLQ fails to explain the action taken. Further, policy expressly provides that the Department issue a supplemental payment if a hearing decision reverses the action taken by the Department reducing an SSP payment. BAM 600, pp. 30-31.

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 did not act in accordance with Department policy when it reduced Petitioner's SSP benefit issued March 2017.

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Issue a \$28 SSP supplement to Petitioner for the March 14, 2017 SSP issuance.



ACE/tlf

Alice C. Elkin
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

Via Email:

MDHHS-Wayne-31-Grandmont-
Hearings@Michigan.gov
BSC4 Hearing Decisions
D. Shaw
B. Cabanaw
MAHS

**Petitioner –
Via First-Class Mail:**

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]