



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

Date Mailed: November 17, 2017
MAHS Docket No.: 17-012030
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; 42 CFR 438.400 to 438.424; 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 October 24, 2017 from Detroit, Michigan. The Petitioner appeared for the hearing and represented himself. Petitioner's Authorized Hearing Representative (AHR) [REDACTED] was not present for the hearing and Petitioner elected to proceed in the absence of the AHR. The Department of Health and Human Services (Department) was represented by Karina Littles, Hearing Facilitator; Cheryl Howell Family Independence Manager; and Eddie Kelly, Eligibility Specialist. [REDACTED] served as Bengali Interpreter.

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 is an ongoing recipient of Supplemental Security Income (SSI) and SSP benefits.
2. Petitioner was previously approved for SSP benefits in the monthly amount of \$14, which when distributed quarterly, is \$42. (Exhibit A, pp. 7-8)
3. On August 28, 2017 the Department sent Petitioner a Notice of State SSI Payment Change (Notice) informing him that effective August 28, 2017 his quarterly State

SSI Payment has been reduced due to a change in law that determines his payment amount as a couple instead of an individual rate. (Exhibit A, pp. 2-3)

4. The Notice further indicates that the new state quarterly payment amount will be \$38.50 and that his next payment is scheduled to be issued on September 18, 2017. (Exhibit A, pp. 2-3)
5. On September 6, 2017 Petitioner requested a hearing disputing the decrease in his SSP benefits. (Exhibit A, pp. 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.

In this case, Petitioner requested a hearing disputing the decrease in his SSP benefits as reflected in the above referenced Notice, dated August 28, 2017.

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 2017), p. 1. The Department issues the SSP to SSI recipients in the following living arrangements: Independent living or Household of Another. SSP payments are issued quarterly and payment levels are determined by RFT 248. The benefits are paid the last month of each quarter. The yearly quarters are: January through March; April through June; July through September; and October through December. BEM 660, pp. 1-2; RFT 248 (April 2017), pp. 1-3. Effective January 1, 2017, the monthly SSP benefit for an individual in an independent living arrangement is \$14; and \$21 (\$10.50 each) for a couple in an independent living arrangement. RFT 248, p. 1.

At the hearing, the Department testified that Petitioner's SSP benefits were reduced because his payment amount was now being determined as a couple in an independent living arrangement as opposed to an individual. The Department initially testified that because Petitioner's wife also receives SSI, the payment amount/living arrangement changed and Petitioner and his wife were now eligible for \$21 (\$10.50 each) monthly. It was also unclear how the \$38.50 issuance reflected in the August 28, 2017 Notice was

calculated. The Department stated that it inquired via email with Buy-In Unit and received correspondence indicating that the reduced SSP amount is “based on the fact that a married couple, each receiving SSI, get a reduced SSI amount from SSA. The \$38.50 amount comes from two months at \$14 and one month at the reduced amount of \$10.50” (Exhibit B). The eligibility summary presented shows that effective October 1, 2017 Petitioner was approved for \$10.50 and the benefit summary inquiry shows that on September 18, 2017 Petitioner was paid \$38.50 for the July 2017 to September 2017 quarter. The eligibility summary does not show Petitioner’s SSP eligibility prior to October 1, 2017, however (Exhibit A, pp. 7-8).

Petitioner disputed the Department’s testimony that his wife receives SSI benefits. Upon review of Petitioner’s wife case information, the Department agreed and conceded that Petitioner’s wife does not receive SSI. There was no evidence presented by the Department supporting its initial position that Petitioner’s wife also receives SSI, thereby requiring a reduced SSP benefit amount as the Department testified. Thus, there was insufficient evidence presented and the Department remained unable to clearly explain how the amount of Petitioner’s SSP benefit was determined.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it processed Petitioner’s SSP benefits and reduced his SSP benefits to \$10.50 monthly.

DECISION AND ORDER

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. Recalculate Petitioner’s SSP benefits effective the quarterly payment issued on September 18, 2017, ongoing;
2. Issue SSP supplemental payments to Petitioner for any SSP benefits he was eligible to receive but did not from September 18, 2017, ongoing in accordance with Department policy; and

3. Notify Petitioner in writing of its decision.

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

Via Email:

MDHHS-Wayne-55-Hearings
BSC4 Hearing Decisions
B. Cabanaw
MAHS

Authorized Hearing Rep.

- **Via First-Class Mail:**



Petitioner

- **Via First-Class Mail:**

