



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: February 2, 2018
MAHS Docket No.: 17-015876
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 January 22, 2018, from Detroit, Michigan. Petitioner was present and represented himself. The Department of Health and Human Services (Department) was represented by Jeffrey Malett, Eligibility Specialist.

ISSUE

Did the Department properly reduce Petitioner's State SSI Payment (SSP) paid in December 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).
2. Petitioner is eligible for quarterly SSP benefits from the Department tied to his SSI payments.
3. On November 22, 2017, the Department sent Petitioner a Notice of State SSI Payment Change informing him that his SSP payment issued on December 15, 2017 would be reduced.
4. On December 5, 2017, Petitioner requested a hearing 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 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 received notification from the Social Security Administration (SSA) that Petitioner did not receive a regular first of the month SSI payment on October 1, 2017. The Department sent Petitioner a Notice of State SSI Payment Change on November 22, 2017, informing him that his SSP payment that was due to be issued on December 15, 2017 would be reduced.

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 (October 2015), pp. 29-30. Department policy specifies that these SSI payments are shown on the client's Single Online Query (SOLQ) report as a **"recurring payment dated the first of the month."** BEM 660, p. 1. Policy further provides that SSPs are not issued for retroactive or supplemental federal benefits. BEM 660, p. 1.

The Department presented Petitioner's SOLQ which showed Petitioner had received regular first of the month SSI payments in the amount of \$23 since January 1, 2013, until October 1, 2017. The SOLQ indicates that on October 1, 2017, no payment was made. On October 2, 2017, a "regular daily payment" was made in the amount of \$23. Then beginning November 1, 2017, Petitioner was scheduled to receive recurring payments dated the first of the month in the amount of \$23. The Department testified that it reduced Petitioner's quarterly SSP payment issued in December 2017 to \$28, as it removed payment for the month of October 2017.

Petitioner testified that he notified the SSA that he had an address change prior to October 2017. On October 1, 2017, Petitioner did not receive his monthly SSI payment. Petitioner stated he contacted SSA and was told he needed to update his address with his local SSA office. Petitioner testified he complied with the request and was then issued his payment on October 2, 2017.

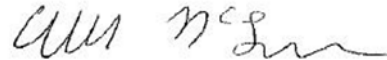
According to the SOLQ, all payments made to Petitioner were designated as "recurring payment dated the first of the month," with the exception of the October 2, 2017 payment. The October 2, 2017 payment was listed as "regular daily" payment. As policy

specifically states SSP payments are made for only those months the SSI recipient received a regular first of the month federal benefit, the Department acted in accordance with policy when it reduced Petitioner's quarterly SSP payment, as he was not entitled to benefits for October 2017.

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 reduced Petitioner's SSP payment issued in December 2017. Accordingly, the Department's decision is **AFFIRMED**.

EM/cg



Ellen McLemore
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-Gratiot-Hearings
B. Cabanaw
BSC2-Hearing Decisions
MAHS

Petitioner – Via First-Class Mail:

