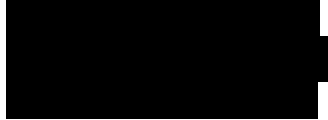




RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: May 9, 2018
MAHS Docket No.: 18-002438
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 May 7, 2018, from Detroit, Michigan. Petitioner was present with his mother, [REDACTED]. The Department of Health and Human Services (Department) was represented by Donna Rojas, Family Independence Manager.

ISSUE

Did the Department properly reduce Petitioner's State SSI Payment (SSP) benefit amount?

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 February 20, 2018, the Department sent Petitioner a Notice of State SSI Payment Change informing him that his SSP payment issued on March 14, 2018 would be reduced.
4. On March 12, 2018, 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 January 1, 2018. The Department sent Petitioner a Notice of State SSI Payment Change on February 20, 2018, informing him that his SSP payment that was due to be issued on March 14, 2018 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.

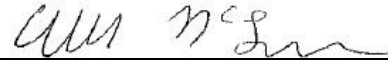
The Department presented correspondence from an individual with SSA showing there was an issue when processing Petitioner's SSI benefits, which resulted in January's payment being issued on January 22, 2018. The Department retrieved Petitioner's State On-Line Query (SOLQ) report and verified a recurring payment on the first of the month was not issued on January 1, 2018. The Department testified a "regular daily payment" was made on January 22, 2018. Petitioner began receiving recurring payments dated the first of the month on February 1, 2018. Petitioner testified that SSA erred when processing his paperwork, causing a delay in the issuance of his January 2018 benefits.

The January 22, 2018 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 January 2018.

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 March 2018. 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-Kent-1-Hearings
L. Karadsheh
BSC3- Hearing Decisions
MAHS

Petitioner – Via First-Class Mail:

