



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: August 27, 2018
MAHS Docket No.: 18-005758
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 July 31, 2018, from Lansing, Michigan. [REDACTED], Petitioner, appeared on his own behalf. The Department of Health and Human Services (Department) was represented by Terri Stheiner, Eligibility Specialist.

During the hearing proceeding the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-8.

ISSUE

Did the Department properly determine Petitioner's eligibility for the State SSI Payments (SSP) program?

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 receiving SSP.
2. On May 18, 2018, a Notice of State SSI Payment Change was issued to Petitioner stating the SSP payment has been cancelled effective May 18, 2018. (Exhibit A, p. 5)

3. On May 30, 2018, Petitioner filed a hearing request contesting the Department's determination. (Exhibit A, p. 5-6)
4. The Department's Hearing Summary Narrative asserts that SSP benefits have been restored. (Exhibit A, p. 2)
5. The Department's hearing exhibits only shows that Petitioner's Medicaid benefits were restored. (Exhibit A, pp. 7-8)

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.

For the SSP program, 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. BEM 660, January 1, 2017, p. 1 (underline added by ALJ).

SSP benefits are issued quarterly. These 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, January 1, 2017, p. 2.

Petitioner was receiving SSP. On May 18, 2018, a Notice of State SSI Payment Change was issued to Petitioner stating the SSP payment has been cancelled effective May 18, 2018. (Exhibit A, p. 5)

The evidence indicates there may have been a problem with the Petitioner's monthly federal benefit, Supplemental Security Income (SSI) issued by the Social Security Administration (SSA). It appears that the May 18, 2018, Notice of State SSI Payment Change canceling Petitioner's SSP payment was issued in response to an SOLQ report showing Petitioner did not have a regular first of the month SSI federal benefit. (Exhibit A, p. 8; Testimony)

On May 30, 2018, Petitioner filed a hearing request contesting the Department's determination. (Exhibit A, p. 5-6)

The Department's Hearing Summary Narrative asserts that SSP benefits have been restored. (Exhibit A, p. 2) However, the Department's hearing exhibits only shows that

Petitioner's Medicaid benefits were restored after the Department verified that Petitioner's SSI started back up. (Exhibit A, pp. 7-8)

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 determined Petitioner's eligibility for the SSP program.

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. Redetermine Petitioner's eligibility for the SSP program retroactive to the May 18, 2018, effective date in accordance with Department policy.

CL/hb



Colleen Lack
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) 763-0155; 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

Lindsay Miller
125 E. Union St 7th Floor
Flint, MI 48502

Genesee County (Union), DHHS

BSC2 via electronic mail

D. Smith via electronic mail

EQADHShearings via electronic mail

Petitioner

[REDACTED]
[REDACTED] MI [REDACTED]