



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: August 9, 2018
MAHS Docket No.: 18-006558
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on August 8, 2018, from Lansing, Michigan. [REDACTED] [REDACTED], Petitioner, and [REDACTED] [REDACTED] [REDACTED] Petitioner's authorized hearing representative, appeared for Petitioner. Laura Bensinger, Eligibility Specialist, appeared for the Department.

One exhibit was admitted into evidence during the hearing. A 26-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly reduce Petitioner's State SSI payment (SSP)?

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 has been receiving Supplemental Security Income (SSI) and State SSI Payments (SSP) since February 2009.
2. The Department issues Petitioner's SSP payments to her quarterly.
3. In April 2018, the Social Security Administration (SSA) did not make Petitioner's SSI payment at the first of the month due to an error with her address.
4. The Department received a report that indicated there was an interruption in Petitioner's SSI payments.

5. On May 18, 2018, the Department issued a Notice of State SSI Payment Change which notified Petitioner that her SSP had been reduced because of an interruption in her SSI payments. The Department notified Petitioner that her June 15, 2018, SSP payment would be reduced. Exhibit A, p. 25.
6. The SSA corrected the error with Petitioner's address and issued her April 2018 SSI payment. The SSA resumed making regular SSI payments to Petitioner at the first of each month.
7. The Department reinstated Petitioner's SSP payments once the SSA resumed making Petitioner's SSI payments at the first of each month. The Department only withheld Petitioner's April 2018 SSP payment.
8. On June 18, 2018, Petitioner requested a hearing to dispute the Department's reduction of her SSP.

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.

SSP payments are only made for the months an individual received a regular first of the month federal benefit. BEM 660 (January 1, 2017), p. 1-2. SSP payments are not issued for retroactive or supplemental SSI payments. BEM 660, p. 2. A Notice of State SSI Payment Change is issued by the Department when the Department determines that an individual's quarterly SSP will be less than the prior quarter. BEM 660, p. 3.

In this case, Petitioner had an interruption in her SSI payments in April 2018. Petitioner addressed the interruption with the SSA and received her SSI payment for April 2018 after it was supposed to have been issued. The Department discovered that Petitioner did not receive her April 2018 SSI payment at the first of the month as scheduled, so the Department withheld her April 2018 SSP. The Department's actions were in accordance with BEM 660.

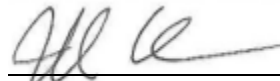
The Department only issues SSP for the months which SSI payments are issued at the first of the month. Petitioner's April 2018 SSI payment was not issued at the first of the month, so the Department determined it could not issue an SSP for the month pursuant to BEM 660. The Department sent a notice to Petitioner because it determined that her quarterly payment would be less than her prior quarter pursuant to BEM 660.

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 act in accordance with its policies and the applicable law when it issued its May 18, 2018, Notice of State SSI Payment Change which reduced Petitioner's SSP for June 15, 2018.

IT IS ORDERED the Department's decision is AFFIRMED.

JK/nr



Jeffrey Kemm
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

Laura Bensinger
1050 Independence Blvd
Charlotte, MI
48813

Eaton County DHHS- via electronic mail

BSC2- via electronic mail

D. Smith- via electronic mail

EQAD- via electronic mail

Petitioner

[REDACTED]
[REDACTED], MI
[REDACTED]

Authorized Hearing Rep.

[REDACTED]
[REDACTED], MI
[REDACTED]