



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
MI

Date Mailed: September 4, 2018
MAHS Docket No.: 18-006867
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

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 August 9, 2018, from Lansing, Michigan. Petitioner's father personally appeared and testified on Petitioner's behalf.

The Department of Health and Human Services (Department) was represented by Hearing Coordinator Laura Bensinger. Ms. Bensinger testified on behalf of the Department. The Department submitted 16 exhibits, where were admitted into evidence. The record was closed at the conclusion of the hearing.

ISSUE

Did the Department properly close the Petitioner's State SSI Payments?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On December 1, 2012, Petitioner began receiving SSI benefits and State SSI Payments. [Dept. Exh. 6].
2. On May 18, 2018, the Department mailed the Petitioner a Notice of State SSI Payment Change indicating that his State SSI Payment had been canceled. The Notice informed the Petitioner he would be receiving his last State SSI Payment on June 15, 2018. [Dept. Exh. 10-11].

3. On June 18, 2018, the Department mailed the Petitioner a Health Care Coverage Determination Notice informing the Petitioner that as of July 1, 2018, Petitioner was not eligible for State SSI Paymentst. [Dept. Exh. 12-14].
4. On June 29, 2018, the Petitioner submitted a Request for Hearing contesting the closure of the State SSI Payments.

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.

Supplemental Security Income (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. BEM 660, p 1 (January 1, 2017) (emphasis added).

The State SSI Payment is issued by the Michigan Department of Health and Human Services (Department) to SSI recipients for only those months the recipient received a regular first of the month federal benefit. *Id.* Because Petitioner stopped receiving SSI payments, the Department closed Petitioner's SSP benefits.

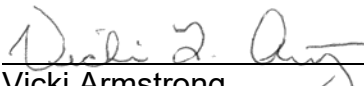
Petitioner credibly testified that his son was no longer receiving SSI and he had hired an attorney and was in the process of appealing the denial of SSI.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department acted in accordance with Department policy when it closed Petitioner's SSP benefits.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

VLA/nr



Vicki Armstrong
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

Authorized Hearing Rep.

[REDACTED]
[REDACTED], MI
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Petitioner

[REDACTED]
[REDACTED], MI
[REDACTED]