



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: March 12, 2019
MAHS Docket No.: 19-000504
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 March 7, 2019, from Detroit, Michigan. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by [REDACTED] Hearing Facilitator.

ISSUE

Did the Department properly process Petitioner's State SSI Payment (SSP) eligibility?

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 August 6, 2018, the Social Security Administration sent Petitioner a letter notifying him that he was approved for [REDACTED] in monthly Supplemental Security Income (SSI) benefits with an April 1, 2018 date of eligibility. He was notified that he would receive his first regular monthly SSI payment of [REDACTED] beginning September 1, 2018 and on the first of each month after that. (Exhibit 1).
2. On September 27, 2018, the Department sent Petitioner a Notice of Case Action notifying him that he was approved for [REDACTED] in monthly SSP benefits for November 1, 2018 ongoing and would receive a quarterly payment on March 12, June 12, September 12, and December 11 (Exhibit E).

3. The Department issued █████ in SSP benefits on Petitioner's case in November 2018 and December 2018.
4. On January 8, 2018, the Department received Petitioner's request for hearing disputing "SSI."

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.

Petitioner requested a hearing for "SSI." Because the Department does not issue or administer federal SSI benefits, the Department responded by explaining that Petitioner was an active Medicaid (MA) recipient under an SSI-related MA category due to his receipt of SSI and that he was receiving quarterly SSP benefits. At the hearing, Petitioner testified that his MA case was explained to him by his worker, and he was no longer seeking a hearing with respect to MA. Accordingly, his request for hearing concerning MA is dismissed. The hearing proceeded to address Petitioner's SSP case, which Petitioner explained was the issue for which he requested a hearing. Specifically, Petitioner believed that he was eligible for SSP as of the April 2018 date of his SSI eligibility but had not received any SSP payments, despite receiving a notice that he was eligible for SSP for November 2018 ongoing.

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 (August 2018), p. 31. 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; BAM 600, p. 31 (emphasis in original). Policy further provides that SSPs are not issued for retroactive or supplemental federal benefits. BEM 660, p. 1.

The Department testified that Petitioner's SOLQ record on file showed that Petitioner received a lump sum payment on August 2, 2018, which Petitioner testified was used to repay the State, and "recurring payment dated the first of the month" for September 1, 2018 (Exhibit F). Petitioner is not eligible for SSP payments in connection with the lump sum payment made August 2, 2018 for SSI he was eligible to receive from his April 1,

2018 date of eligibility through the August 1, 2018 determination date. However, because Petitioner's recurring SSI payment dated the first of the month began September 1, 2018, Petitioner was eligible for SSP beginning September 2018. Because the Department did not begin Petitioner's SSP payments until November 2018, the Department did not act in accordance with Department policy in processing Petitioner's SSP eligibility and payments.

At the hearing, Petitioner further contended that, despite being notified that he would begin receiving SSP in November 2018, he had not received any SSP payments. SSP benefits are paid through electronic funds transfer (EFT) to the SSI recipient or payee account designated by the SSA. BEM 660, p. 2. The Department presented evidence that it had issued to Petitioner ██████ in monthly SSP to Petitioner for November 2018 and December 2018 (Exhibit D) and testified that the funds were deposited to Petitioner's bank account of record, which Petitioner confirmed. Although Petitioner alleged that he did not receive the funds and that the Department had an incorrect routing number, he did not present any documentary evidence, such as bank statements, to support his position that the SSP payments were not deposited into his account. Based on the evidence presented, the Department properly issued Petitioner SSP for November and December 2018.

Because Petitioner's first SSP payment for 2019 would be paid in the third month of the first quarter of the year, he would not receive payment for January 2019 to March 2019 until March, and according to the September 27, 2018 Notice of Case Action, payment would be made on March 12. If Petitioner continues to dispute the ongoing receipt of SSP, he is advised that he may contact the State SSI Payment Unit at (517) 335-3627 and/or request another hearing.

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 not act in accordance with Department policy when it failed to approve Petitioner for SSP for September 2018 and October 2018.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED IN PART** with respect to Petitioner's SSP eligibility for November 2018 ongoing and **REVERSED IN PART** with respect to Petitioner's SSP eligibility for September 2018 and October 2018.

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. Issue supplements to Petitioner for SSP benefits for September 2018 and October 2018.



AE/tm

Alice C. Elkin

Administrative Law Judge

for Robert Gordon, 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

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]

CC:

[REDACTED]
[REDACTED]