



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: April 19, 2019
MAHS Docket No.: 19-002393
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: John Markey

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 April 17, 2019, from Detroit, Michigan. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by [REDACTED] Hearings Facilitator. During the hearing, a six-page packet of documents was offered and admitted into evidence as Exhibit A, pp. 1-6.

ISSUE

Did the Department properly determine that Petitioner was no longer eligible for a State Supplemental Security Income Payment (SSP), starting February 2019?

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 an ongoing and continuous recipient of Supplemental Security Income (SSI) for all months relevant to this matter.
2. Petitioner was an ongoing recipient of SSP benefits from the Department. The benefits were paid out quarterly.
3. In October 2018, Petitioner moved to an adult foster care facility.
4. On February 22, 2019, the Department issued to Petitioner a Notice of State SSI Payment Change informing Petitioner that he would no longer receive SSP

payments from the Department because his new living arrangement rendered him ineligible. Exhibit A, pp. 3-4.

5. On [REDACTED], 2019, Petitioner submitted to the Department a request for hearing objecting to the Department's action.
6. On March 7, 2019, the Department issued Petitioner's final quarterly SSP issuance. The March 7, 2019, payment included SSP benefits for only January 2019. February and March 2019 allotments were not included.

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, Petitioner was an ongoing recipient of SSP from the Department. In October 2018, Petitioner moved into an adult foster care facility. Sometime thereafter, the Social Security Administration advised the Department that Petitioner's living arrangement had changed to an adult foster care arrangement with personal care. On February 22, 2019, the Department issued to Petitioner a Notice of State SSI Payment Change informing Petitioner the Department would no longer be issuing Petitioner SSP payments for months after January 2019.

SSI is a cash benefit to needy persons who are aged (at least 65), blind, or disabled. BEM 660 (January 2017), p. 1. It is a federal program administered by the Social Security Administration. BEM 660, p. 1. States are allowed the option to supplement the federal benefit with state funds. BEM 660, p. 1. In Michigan, SSI benefits include a basic federal benefit and an additional amount paid with state funds. BEM 660, p. 1. The amount of the state benefit varies by living arrangement. BEM 660, p. 1.

While the Social Security Administration issues the federal benefit to all SSI recipients, it does not necessarily issue the state-funded portion. BEM 660, p. 1. Depending on the recipient's living arrangement, the state-funded portion is issued by either the Social Security Administration or the Department. BEM 660, p. 1. If the recipient's living arrangement is either independent or living in the household of another, the Department issues the SSP. BEM 660, p. 1. However, if the recipient lives in an adult foster care facility providing domiciliary care and personal care, a home for the aged, or an institution, the Social Security Administration issues the state-funded benefit for SSI recipients. BEM 660, p. 1.

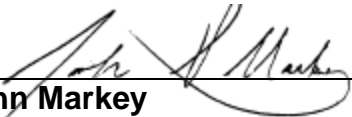
During the hearing, Petitioner acknowledged that he moved into an adult foster care facility sometime in late 2018. Prior to that point, Petitioner's living arrangement was such that the Department issued the state-funded SSP benefits. However, upon changing his living arrangement, Petitioner was no longer eligible for SSP benefits from the Department. Rather, according to policy, the state-funded portion of his SSI benefits were only payable by the Social Security Administration.

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 determined that Petitioner was no longer eligible for Department-issued SSP benefits, effective February 2019.

DECISION AND ORDER

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

JM/cg



John Markey
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

Via Email:

MDHHS-Calhoun-Hearings
L. Karadsheh
BSC3- Hearing Decisions
MAHS

Petitioner – Via First-Class Mail:

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