



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: August 23, 2019  
MOAHR Docket No.: 19-007620  
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 August 21, 2019 from Detroit, Michigan. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by Morgan Hafler, Hearings Facilitator. During the hearing, a 10-page packet of documents was offered and admitted into evidence as Exhibit A, pp. 1-10.

### **ISSUE**

Did the Department properly determine Petitioner to be ineligible for a State Supplemental Security Income Payment (SSP), effective May 24, 2019, ongoing?

### **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 active recipient of SSI from the Social Security Administration through the end of 2018. Effective January 1, 2019, Petitioner was no longer receiving SSI. Exhibit A, pp. 4-6.
2. On May 24, 2019, the Department issued to Petitioner a Notice of State SSI Payment Change informing Petitioner that his SSP case was closing. The given reason was that the "Social Security Administration informed the Michigan Department of Human Services you did not receive a regular first of the month SSI payment for 3 months. You must receive the regular first of the month SSI payment to be eligible for a State SSI Payment." Exhibit A, pp. 2-3.

3. On [REDACTED] 2019, Petitioner submitted to the Department a request for hearing objecting to the Department's action.

### **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. 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. 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 (October 2018), pp. 31-32.

In this case, Petitioner was an active recipient of monthly SSI payments from the SSA through the end of 2018. Effective January 1, 2019, Petitioner was no longer eligible for SSI benefits. Because regular first of the month SSI payment is a condition of receiving the quarterly SSP from the Department, the Department determined Petitioner was ineligible for SSP and closed Petitioner's SSP case, effective May 24, 2019. On [REDACTED], 2019, Petitioner requested a hearing challenging the Department's action.

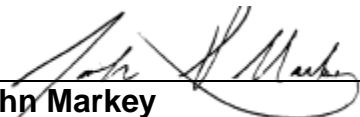
After reviewing the record, it is found that the Department properly closed Petitioner's SSP case. As policy specifically states, an individual only receives SSP for any given month if the individual received a regular first of the month SSI payment. Petitioner's SSI payments ceased at the end of 2018. Thus, Petitioner was not eligible to receive any SSP thereafter.

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 closed Petitioner's SSP case.

**DECISION AND ORDER**

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

JM/cg

  
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**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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-8139

**Via Email:**

MDHHS-Wayne-55-Hearings  
L. Kardsheh  
BSC4- Hearing Decisions  
MOAHR

**Petitioner – Via First-Class Mail:**

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