



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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Date Mailed: August 28, 2019
MOAHR Docket No.: 19-007622
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 28, 2019, from ██████████ Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Morgan Hafler, Hearing Facilitator.

ISSUE

Did the Department properly close the Petitioner's State of Michigan Supplemental Security Income (SSI) payment (SSP) after the Social Security Administration determined that Petitioner was no longer eligible for Supplemental Security Income?

FINDINGS OF FACT

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

1. The Petitioner was an ongoing recipient of SSI from the Social Security Administration (SSA) until it was terminated on May 1, 2019, by SSA; and SSA found the Petitioner was no longer eligible to receive SSI.
2. On May 24, 2019, the Department sent the Petitioner a Notice of State SSI Payment Change advising the Petitioner that the SSA notified the State of Michigan Department of Health and Human Services that Petitioner was no longer eligible for SSI. The notice advised that the last State SSI Payment would be issued on June 14, 2019.

3. The Petitioner filed a timely hearing request on July 20, 2019, protesting the Departments 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.

In this case, the Department notified the Petitioner that her State SSI Payment would be ending due to the State of Michigan being notified by the Social Security Administration that it determined that Petitioner was no longer eligible for SSI.

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. The amount of the state benefit varies by living arrangement.

In this case, the Petitioner was receiving the State SSI payment (SSP) based upon her being determined disabled and her living situation. Department policy requires that the State SSP end when an SSI recipient is no longer eligible for SSI.

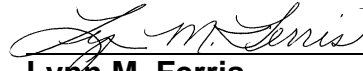
Payments are made for only those months the recipient received a regular first of the month federal benefit. BEM 660 (January 2917), p. 1. The Petitioner did not dispute that her SSI she received from the SSA had ended. The Department also provided a State Online Query (SOLQ) indicating that the SSI for Petitioner had ended.

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 cancelled the Petitioner State SSI (SSP) payment.

DECISION AND ORDER

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

LMF/jaf



Lynn M. Ferris
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

DHHS (via electronic mail)

Keisha Koger-Roper
MDHHS-Wayne-55-Hearings

BSC4
C George

Petitioner (via first class mail)

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