



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: March 10, 2020
MOAHR Docket No.: 20-000452
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 February 24, 2020, from Detroit, Michigan. Petitioner was represented by [REDACTED] his mother and authorized hearing representative (AHR). Appearing on Petitioner's behalf were Petitioner and [REDACTED], Petitioner's case manager. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payment Supervisor, and [REDACTED], Assistance Payment Worker.

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. Petitioner was an ongoing recipient of federal Supplemental Security Insurance (SSI) benefits.
2. In connection with his federal SSI benefits, Petitioner received a quarterly State SSI Payment (SSP) from the Department.
3. On October 10, 2019, the Department's cross-match records with the Social Security Administration (SSA) showed that Petitioner's SSI case was closing effective November 1, 2019 (Exhibit A, p. 11).

4. On November 16, 2019, the Department sent Petitioner a Notice of Case Action that he was approved for SSP for December 1, 2019 ongoing (Exhibit A, pp. 5-8).
5. On November 21, 2019, the Department sent Petitioner a Notice of State SSI Payment Change notifying him that effective November 21, 2019 his quarterly SSP payment had been reduced because he did not receive a regular first of the month SSI payment for 1 or 2 months and the reduced payment would be issued on December 13, 2019 (Exhibit A, pp. 9-10).
6. On December 13, 2019, the Department issued a \$28 SSP payment to Petitioner for October 2019 and December 2019 (Exhibit A, pp. 12, 13).
7. On January 7, 2020, the Department received Petitioner's request for hearing disputing the reduced SSP payment (Exhibit A, pp. 3-4).

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 to dispute the reduced SSP payment issued to him on December 13, 2019. 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 (January 2020), 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.

At the hearing, the Department explained that Petitioner's SSP benefits issued December 13, 2019 were reduced to \$28 because it was notified by SSA through a cross-match in its system that Petitioner did not receive a regular first of the month SSI payment for November 2019 (Exhibit A, pp. 10-11). The AHR explained that there was an error by SSA that resulted in Petitioner's federal redetermination being completed and processed late and, as a result, Petitioner received his November 2019 SSI payment after November 1, the regularly scheduled date.

Although Petitioner's failure to receive a regular first of the month payment for November was due to an SSA error, under Department policy Petitioner was not eligible

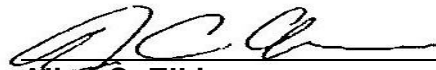
for an SSP payment for that month. Therefore, the Department properly reduced his quarterly SSP payment in December by the \$14 he was not eligible to receive in November.

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 reduced Petitioner's December 2019 quarterly SSP payment to \$28.

DECISION AND ORDER

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

ACE/tlf



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 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-Kent-Hearings
BSC3 Hearing Decisions

[REDACTED]

MOAHR

Petitioner

- **Via First-Class Mail:**

[REDACTED]

[REDACTED]

[REDACTED]

Authorized Hearing Rep.

- **Via First-Class Mail:**

[REDACTED]

[REDACTED]

[REDACTED]