



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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██████████, MI ██████████

Date Mailed: July 22, 2020
MOAHR Docket No.: 20-002733
Agency No.: ██████████
Petitioner: ██████████ ██████████

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 June 30, 2020, from Lansing, Michigan. The Petitioner was represented by his sister and Authorized Representative ██████████ ██████████. The Department of Health and Human Services (Department) was represented by Niquel Earl Eligibility Specialist. Department Exhibit 1, pp. 1-8 was received and admitted.

ISSUE

Did the Department properly close Petitioner's State SSI Payment (SSP) benefit because he stopped receiving SSI?

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 a recipient of SSP benefit.
2. On February 18, 2020, Notice of SSI Payment change informing him that his SSP benefit would close.
3. On February 22, 2020, Petitioner requested hearing contesting the closure of SSP benefit.
4. Petitioner's SSI closed because he is not a U.S. citizen.

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.

Mandatory SSI Recipients

Mandatory SSI recipients are those clients who were receiving benefits under the state administered aged, blind and disabled pro-grams that were taken over by the federally administered SSI program in 1974. In order to ensure a continuity in the SSI income level of these recipients, the SSA uses a separate, complex formula to determine the amount of the state supplement. Therefore, DHS has left the administration of mandatory supplements for all living arrangements as a federal responsibility. BEM 660


In this case, Petitioner's SSP benefit closed because Petitioner's SSI case closed. Once the Department got the information that Petitioner's SSI case was closed, they sent a Notice of SSI Payment change informing him that his SSP would close. Department policy dictates that SSP payments are only made when a recipient receives SSI. BEM 660 When Petitioner's SSI case close with the Social Security Administration he was no longer eligible for SSP payment, therefore the closure was proper and correct.

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 benefit because he is no longer receiving SSI.

DECISION AND ORDER

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

AM/nr



Aaron McClintic
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

Kara Gubancsik
30755 Montpelier Drive
Madison Heights, MI
48071

Oakland 2 County DHHS- via electronic mail

BSC4- via electronic mail

D. Smith- via electronic mail

EQAD- via electronic mail

Authorized Hearing Rep.

██████████ - via first class mail

████████████████████
████████████████████, MI
██████████

Petitioner

████████████████████ - via first class mail

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