



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: July 27, 2020
MOAHR Docket No.: 20-004066
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on July 23, 2020, from Lansing, Michigan. Petitioner, [REDACTED], was represented by her mother, [REDACTED]. Respondent, Department of Health and Human Services (Department), had Maia Elvine-Fair, Assistance Payments Supervisor, appear as its representative. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 13-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly cancel Petitioner's State SSI payment (SSP)?

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 receiving Supplemental Security Income (SSI) and State SSI Payments (SSP).
2. The Department issued Petitioner's SSP payments to her quarterly.
3. In 2020, Petitioner began receiving unemployment, including an extra \$600 per week for a pandemic unemployment benefit.
4. In May 2020, the Social Security Administration (SSA) did not make Petitioner's SSI payment at the first of the month.

5. The Department received a report that indicated that Petitioner was no longer eligible for SSI.
6. On May 18, 2020, the Department issued a Notice of State SSI Payment Change, which notified Petitioner that her SSP had been cancelled effective June 11, 2020, because she was no longer eligible for SSI.
7. On May 21, 2020, Petitioner requested a hearing to dispute the Department's decision.

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.

SSP payments are only made for the months an individual received a regular first of the month federal benefit (SSI). BEM 660 (January 1, 2017), p. 1-2. A Notice of State SSI Payment Change is issued by the Department when the Department determines that an individual's quarterly SSP will be less than the prior quarter. *Id.* at 3.

In this case, Petitioner had an interruption in her SSI payments in May 2020. The SSA did not issue an SSI payment to Petitioner at the first of the month because the SSA determined that she was no longer eligible, presumably due to her increased income from unemployment. When the Department discovered that Petitioner did not receive her SSI payment at the first of the month in May 2020, the Department stopped Petitioner's SSP payments. The Department's actions were in accordance with BEM 660.

DECISION AND ORDER

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 did act in accordance with its policies and the applicable law when it cancelled Petitioner's State SSI payment effective June 11, 2020.

IT IS ORDERED the Department's decision is AFFIRMED.

JK/ml



Jeffrey Kemm
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

Washtenaw County DHHS – Via
Electronic Mail

BSC4 – Via Electronic Mail

D. Smith – Via Electronic Mail

EQAD – Via Electronic Mail

Petitioner

[REDACTED] a – Via First Class Mail
[REDACTED], MI [REDACTED]