



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], MI [REDACTED]

Date Mailed: March 10, 2021
MOAHR Docket No.: 20-007852
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 25, 2021, from Lansing, Michigan. The Petitioner was represented by her mother and authorized representative, Dawn Paul. The Department of Health and Human Services (Department) was represented by Sara Terreros, Assistance Payment Supervisor.

ISSUE

Did the Department properly determine that the Petitioner was not eligible for the State of Michigan State Supplemental Income (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 SSI because she was receiving a regular Social Security (SS) check for Social Security Income.
2. On November 16, 2020, the Department sent Petitioner a Notice of State SSI Payment Change, DHS-430, indicating that the Social Security Administration informed the Department that Petitioner is no longer eligible for SSI. As a result, the last State SSI payment that she will receive will be issued on December 14, 2020. Department Exhibit 1, pgs. 6-7.
3. On December 21, 2020, the Department received a hearing request from Petitioner, contesting the Department's negative 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, Petitioner was a recipient of SSI because she was receiving a regular Social Security (SS) check for Social Security Income. On November 16, 2020, the Department sent Petitioner a Notice of State SSI Payment Change, DHS 430, indicating that the Social Security Administration informed the Department that Petitioner is no longer eligible for SSI. As a result, the last State SSI payment that she will receive will be issued on December 14, 2020. Department Exhibit 1, pgs. 6-7. On December 21, 2020, the Department received a hearing request from Petitioner, contesting the Department's negative action. BAM 105, 110, 115, 130, 210, 220, and 600. BEM 660.

During the hearing, Petitioner's authorized representative and mother stated that an error had been made on Petitioner's SS redetermination where the incorrect amount was keyed in, which resulted in her being denied due to excess resources. Department Exhibit 1, pgs. 8-9. She has tried to correct the error to no avail during the pandemic with limited access. However, Department policy requires the closure of the State SSI if Petitioner is not receiving a regular first of the month SSI check. Petitioner's mother was encouraged to work with SS to correct the error then report to the Department when it was corrected to restart State SSI benefits.

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 acted in accordance with Department policy when it determined that the Petitioner was no longer eligible for SSI because she was no longer eligible for SS benefits.

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

CF/hb



Carmen G. Fahie
Administrative Law Judge
for Elizabeth Hertel, 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

Kent County via electronic mail

BSC3 via electronic mail

C. George via electronic mail

EQADHShearings via electronic mail

Petitioner

[REDACTED], MI [REDACTED]

Authorized Hearing Rep.

[REDACTED], MI [REDACTED]