



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: November 5, 2018
MAHS Docket No.: 18-009937
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: John Markey

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 November 1, 2018, from Lansing, Michigan. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by Kelly Hudson, Family Independence Manager, and Donna Hummel, Eligibility Specialist. During the hearing, an 18-page packet of documents was offered and admitted as Exhibit A, pp. 1-18.

ISSUE

Did the Department properly determine Petitioner to be ineligible for a State Supplemental Security Income Payment (SSP) for the months of February, March, and April of 2018?

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 applied for Supplemental Security Income (SSI) sometime in [REDACTED] of 2018.
2. On April 2, 2018, Petitioner's application was approved, and he was issued retroactive SSI benefits for a prorated portion of February of 2018, along with full payments for March and April of 2018.

3. In May of 2018, Petitioner began receiving regular first of the month SSI benefits.
4. The Department issued Petitioner \$■■■ per month in SSP for each month after May of 2018, ongoing.
5. On ■■■■■■■■■■ 2018, Petitioner filed a request for hearing objecting to the Department's refusal to issue to Petitioner SSP payments for the months of February, March, and April of 2018.

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 applied for SSI sometime in ■■■■■ of 2018. On April 2, 2018, Petitioner's SSI application was approved, and he was issued retroactive benefits back to the date of application. Beginning May 1, 2018, Petitioner began receiving regular monthly SSI payments dated the first of the month. Petitioner objected to the Department's failure to provide the SSP for the months of February, March, and April of 2018.


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 (October 2015), pp. 29-30. 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. Policy further provides that SSPs are not issued for retroactive or supplemental federal benefits. BEM 660, p. 1.

The April 2, 2018, grant of benefits covering the time from application until approval was not a recurring payment dated the first of the month. Rather it was a retroactive issuance of benefits. As policy specifically states, an individual only receives SSP for any given month if the individual received a regular first of the month SSI payment. Likewise, policy expressly prohibits the Department from issuing SSP for retroactive SSI payments. The Department acted in accordance with Department policy when it declined to issue to Petitioner SSP for the months of February, March, and April of 2018.

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 declined to issue to Petitioner SSP for the months of February, March, and April of 2018. Accordingly, the Department's decision is **AFFIRMED**.

JM/dh



John Markey
Administrative Law Judge
for Nick Lyon, 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 Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS 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. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MAHS Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

Kimberly Kornoelje
121 Franklin SE
Grand Rapids, MI 49507

Kent County, DHHS

BSC3 via electronic mail

D. Smith via electronic mail

EQAD via electronic mail

Petitioner

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