



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: January 8, 2019
MAHS Docket No.: 18-011241
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, telephone hearing was held on December 13, 2018, from Lansing, Michigan. Petitioner represented himself. The Department was represented by Shanna Ward.

ISSUE

Did the Department of Health and Human Services (Department) properly close Petitioner's State Supplemental Security Income (SSP) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On May 18, 2018, the Department notified Petitioner that his State Supplemental Security Income (SSP) benefit had been cancelled. Exhibit A, p 2.
2. Petitioner received no regular Supplemental Security Income (SSI) payments from May 1, 2018, through October 31, 2018. Exhibit A, p 8.
3. On October 29, 2018, the Department received Petitioner's request for a hearing protesting the denial of State Supplemental Security Income (SSP) benefits. Exhibit A, pp 4-5.

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.

The Social Security Administration issues the federal benefits to all SSI recipients. Initially, a lump sum check may be issued for any retroactive benefits, but thereafter, SSI benefits are issued on the first of the month. Department of Health and Human Services Bridges Eligibility Manual (BEM) 660 (January 1, 2017), p 1.

State supplemental benefits are made for only those months the recipient received a regular first of the month federal benefit. BEM 660, p 1.

Petitioner was an ongoing SSP recipient but did not receive an SSI payment in May of 2018. On May 18, 2018, the Department notified Petitioner that his SSP payment would be cancelled.

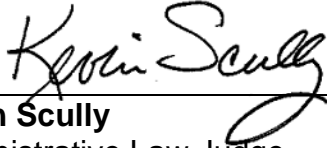
Since Petitioner did not receive a regular first of the month SSI payment, he was no longer eligible for the SSP benefit from the Department.

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 State Supplemental Security Income (SSP) benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/dh



Kevin Scully
Administrative Law Judge
for Farah Hanley, Acting 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

Amber Gibson
5303 South Cedar
PO BOX 30088
Lansing, MI 48911

Ingham County, DHHS

BSC2 via electronic mail

EQAD via electronic mail

D. Smith via electronic mail

Petitioner

[REDACTED], MI [REDACTED]