



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: February 14, 2019
MAHS Docket No.: 18-012934
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 February 11, 2019, from Detroit, Michigan. Petitioner appeared and was represented by [REDACTED], Authorized Hearings Representative. The Department of Health and Human Services (Department) was represented by Barbara Schram, Family Independence Manager. During the hearing, a three-page packet of documents was offered and admitted into evidence as Exhibit A, pp. 1-3.

ISSUE

Did the Department properly determine that Petitioner was not eligible for a State Supplemental Security Income Payment (SSP) for the months of September, October, and November 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 was an ongoing and continuous recipient of Supplemental Security Income (SSI) for all months relevant to this matter.
2. Petitioner also received, on a quarterly basis, SSP from the Department for each month he received SSI until the months of September, October, and November 2018.

3. On November 20, 2018, the Department issued to Petitioner, a Notice of State SSI Payment Change informing Petitioner that his quarterly SSP had been cancelled. The Notice asserted that Petitioner did not receive a regular first of the month SSI payment for 3 months. Exhibit A, pp. 1-2.
4. On [REDACTED] 2018, Petitioner submitted to the Department a request for hearing objecting to the Department's cancellation of his SSP.

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 objects to the Department's decision to find him ineligible for an SSP for the months of September, October, and November 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 Department conceded at the hearing that Petitioner received a regular first of the month SSI payment for both September 2018 and November 2018. Further, the Department witness testified that the error had been fixed and Petitioner had been issued the SSP for those two months prior to the hearing in this matter. Petitioner was eligible for SSP for those two months, and the Department's decision to issue them to Petitioner was appropriate.

The Department additionally requested that Petitioner be granted the SSP for October 2018 despite Petitioner not receiving a regular first of the month SSI payment in October 2018. The basis for this request was that the failure of Petitioner to receive his SSI payment on the first of the month of October 2018 was through no fault of Petitioner.

Unfortunately, the law and policy are very clear with respect to eligibility for SSP. Regardless of the circumstances, the failure to receive a first of the month regular SSI payment precludes a client from receiving the SSP. In October 2018, Petitioner did not

receive a regular first of the month SSI payment. Thus, for October 2018, Petitioner is not entitled to an SSP.

As Petitioner received a regular first of the month SSI payment in September and November of 2018, the Department failed to follow policy by refusing to issue the SSP for those months. However, because Petitioner did not receive a regular first of the month SSI payment in October of 2018, the Department followed policy by refusing to issue the SSP for that month.

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 found Petitioner ineligible to receive SSP for the month of October of 2018. Accordingly, the Department's decision in that respect is **AFFIRMED**.

However, the Department did not act in accordance with Department policy when it found Petitioner ineligible to receive SSP for the months of September and November of 2018. Accordingly, the Department's decision in that respect is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. If it has not already done so, issue Petitioner an SSP supplement for the months of September and November of 2018 based on Petitioner's receipt of a regular first of the month SSI payments in those months;
2. Issue written notice of any case action(s) in accordance with Department policy.

JM/cg



John Markey
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 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

Via Email:

MDHHS-Alpena-Hearings
L. Karadsheh
BSC1- Hearing Decisions
MAHS

**Authorized Hearing Rep. –
Via First-Class Mail:**

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**Petitioner –
Via First-Class Mail:**

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