



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]

Date Mailed: February 12, 2019  
MAHS Docket No.: 18-013374  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler**

### **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. The Petitioner appeared for the hearing and was represented by his mother, [REDACTED]. The Department of Health and Human Services (Department) was represented by Christine Brown, Hearings Facilitator.

### **ISSUE**

Did the Department properly close Petitioner's State Supplement Security Income Payment (SSP) benefit?

### **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 is a minor receiving Supplemental Security Income (SSI) benefits.
2. Petitioner did not receive a federal SSI payment on August 1, 2018.
3. On September 12, 2018, Petitioner received an SSI payment.
4. On October 1, 2018, Petitioner did not receive an SSI payment.
5. On November 7, 2018, Petitioner received an SSI payment.

6. On November 20, 2018, the Department issued a Notice of SSP Change notifying Petitioner that his quarterly SSP had been canceled because he had not received regular first-of-the-month SSI payments for the past three months.
7. On December 11, 2018, the Department received a request for hearing from Petitioner's mother disputing the closure of Petitioner's SSP benefit.

### **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's SSP was closed because Petitioner had not received a first-of-the-month SSI payment for the previous three months. Policy provides that "payments are made for only those months the recipient received a regular first of the month federal benefit." BEM 660 (January 2017), p. 1. SSPs are not issued for retroactive or supplemental federal benefits. *Id.* Since Petitioner did not receive a regular first-of-the-month SSI payment for August through November 2018 and only received supplemental or retroactive payments, the Department acted in accordance with policy in closing Petitioner's SSP case.

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 SSP case.

### **DECISION AND ORDER**

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



AMTM/jaf

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**Amanda M. T. Marler**  
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

**DHHS**

Linda Gooden  
MDHHS-Oakland-6303-Hearings

**Petitioner**

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