



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]

Date Mailed: April 23, 2019
MAHS Docket No.: 19-002721
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 April 18, 2019, from Detroit, Michigan. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by Gregory Folsom, Hearings Facilitator. During the hearing, a 16-page packet of documents was offered and admitted into evidence as Exhibit A, pp. 1-16.

ISSUE

Did the Department properly determine Petitioner to be ineligible for a State Supplemental Security Income Payment (SSP), effective January 2019, ongoing?

FINDINGS OF FACT

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

1. At all times relevant to the instant matter, Petitioner was an active recipient of Supplemental Security Income (SSI) from the Social Security Administration. The benefits were regular and issued at the first of each month.
2. On February 22, 2019, the Department issued to Petitioner a Notice of State SSI Payment Change informing Petitioner that his SSP case was closing. The given reason was that the "Social Security Administration informed the Michigan Department of Human Services you did not receive a regular first of the month SSI payment for 3 months. You must receive the regular first of the month SSI payment to be eligible for a State SSI Payment." Exhibit A, pp. 3-4.

3. On [REDACTED] 2019, Petitioner submitted to the Department a request for hearing objecting to the Department's actions.

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 has at all relevant times been the recipient of regular, first of the month SSI payments from the Social Security Administration. Until January 2019, Petitioner was also receiving quarterly SSP benefits from the Department. At some point, the Department became of the belief that it had been notified by the Social Security Administration that Petitioner was no longer receiving SSI. As the receipt of a regular, first of the month SSI payment is a condition of receiving the quarterly SSP, the Department determined Petitioner was ineligible for SSP and closed Petitioner's SSP case.

SSI is a cash benefit to needy persons who are aged (at least 65), blind, or disabled. BEM 660 (January 2017), p. 1. It is a federal program administered by the Social Security Administration. BEM 660, p. 1. States are allowed the option to supplement the federal benefit with state funds. BEM 660, p. 1. In Michigan, SSI benefits include a basic federal benefit and an additional amount paid with state funds. BEM 660, p. 1. 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 2018), pp. 31-32.

During the hearing, the Department representative acknowledged that the Department's action was in error as Petitioner never stopped receiving his SSI benefits. Since Petitioner was in fact receiving the regular, first of the month SSI payments, he should have continued be eligible for the SSP. Accordingly, the Department's action is reversed.

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 did not act in accordance with Department policy when it closed Petitioner's SSP case, effective January 2019.

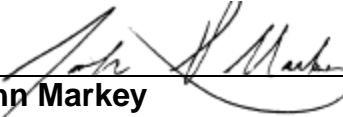
DECISION AND ORDER

Accordingly, the Department's decision 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. Reinstate Petitioner's SSP case back to the date of closure so as to ensure that there is no break in benefits due to the improper closure;
2. Promptly issue to Petitioner the SSP benefits he was entitled to but denied because of the improper closure; and
3. Notify Petitioner in writing of its decisions, including regarding ongoing eligibility.

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-Washtenaw-20-Hearings
L. Karadsheh
BSC4- Hearing Decisions
MAHS

Petitioner – Via First-Class Mail:

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