



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: May 15, 2019
MOAHR Docket No.: 19-003086
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 May 9, 2019, from Detroit, Michigan. Petitioner was represented by her mother and Authorized Hearing Representative (AHR), [REDACTED]. The Department of Health and Human Services (Department) was represented by Natalie McLauren, Hearing Facilitator.

ISSUE

Did the Department properly reduce Petitioner's State SSI Payment (SSP) paid in February 2019?

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 receives Supplemental Security Income (SSI) from the Federal Social Security Administration (SSA).
2. Petitioner is eligible for quarterly SSP benefits from the Department tied to her SSI payments.
3. On February 22, 2019, the Department sent Petitioner a Notice of State SSI Payment Change informing her that her SSP payment issued on March 15, 2019 would be reduced.

4. On [REDACTED], 2019, Petitioner's AHR requested a hearing disputing 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, the Department received notification from the SSA that Petitioner did not receive a regular first of the month SSI payment on February 1, 2019. The Department sent Petitioner a Notice of State SSI Payment Change on February 22, 2019, informing her that her SSP payment that was due to be issued on March 15, 2019, would be reduced.

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 testified that Petitioner's State Online Query (SOLQ) report was reviewed. Petitioner received her February 2019 SSI payment on February 2, 2019. As a result, Petitioner's SSP payment for the first quarter of 2019 was reduced from \$42 to \$28, as Petitioner was not entitled to SSP benefits in February 2019 (Exhibit C).

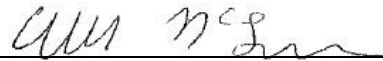
Petitioner's AHR testified that she submitted documents related to Petitioner's SSI benefit case during the federal government shutdown. As a result, Petitioner's February 2019 SSI payment was delayed from February 1, 2019, to February 2, 2019.

Policy specifically states SSP payments are made for only those months the SSI recipient receives a regular first of the month federal benefit. Therefore, Department acted in accordance with policy when it reduced Petitioner's quarterly SSP payment, as she was not entitled to benefits for February 2019.

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 reduced Petitioner's SSP payment issued in February 2019. Accordingly, the Department's decision is **AFFIRMED**.

EM/cg



Ellen McLemore
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 Office of Administrative Hearings and Rules (MOAHR).

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

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

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

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

Via Email:

MDHHS-Saginaw-Hearings
L. Karadsheh
BSC2-Hearing Decisions
MOAHR

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

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

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