



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

██████████
██
██████ MI ██████

Date Mailed: August 13, 2019
MOAHR Docket No.: 19-006671
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 August 7, 2019, from ████████ Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Renee Lovett, specialist, and Rolando Gomez, lead specialist.

ISSUE

The issue is whether MDHHS properly canceled Petitioner's state-issued Supplemental Security Income payments (SSP) for June 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. As of June 2019, Petitioner was a recipient of federally-issued Supplemental Security Income (SSI) and SSP. Petitioner's SSP was based on a living arrangement of independent living.
2. On June 11, 2019, Petitioner was scheduled to receive an SSP quarterly payment of \$42. MDHHS did not issue payment due to unknown reasons.
3. On June 18, 2019, Petitioner requested a hearing to dispute non-payment of the \$42 payment scheduled for June 11, 2019.

CONCLUSIONS OF LAW

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.

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 SSA. *Id.* States are allowed the option to supplement the federal benefit with state funds. *Id.* In Michigan, SSI benefits include a basic federal benefit and an additional amount paid with state funds. *Id.* The amount of the state benefit varies by living arrangement. *Id.*

Petitioner requested a hearing to dispute not receiving her SSP payment of \$42 scheduled to be paid on June 11, 2019. Presumably, MDHHS did not cancel or suspend Petitioner's SSP eligibility as an Eligibility Summary stated Petitioner was "approved" for SSP benefits from January 2019 through June 2019. Exhibit A, p. 9. No evidence, other than non-payment, indicated that Petitioner was ineligible for SSP. The evidence did not establish that Petitioner was ineligible to receive SSP in June 2019.

A screen dump of the payment indicated that payment was "cancelled" for an unknown reason. Exhibit A, p. 14. MDHHS testimony expressed a suspicion that Petitioner's payment was cancelled due to a bank account issue. MDHHS testimony indicated that Petitioner's payments are directly deposited into Petitioner's bank account and that a change in bank account information could have resulted in payment cancellation. In an email exchange, an MDHHS staff person responsible for SSP stated that MDHHS obtains bank information from the Social Security Administration interface; in other words, if Petitioner's bank information is correct with SSA, then it should also be correct with MDHHS. As Petitioner testified that she had no problems with receiving her monthly federal SSI payments, MDHHS' suspicion that Petitioner does not have updated bank account information with SSA seems unlikely.

MDHHS provided no valid explanation for not successfully issuing a \$42 quarterly SSP payment to Petitioner in June 2019. Petitioner's remedy is for MDHHS to issue payment.

MDHHS testimony indicated that the repayment process requires Petitioner to sign an affidavit agreeing that she did not receive her quarterly payment. The requirement of an affidavit seems unnecessary as MDHHS should be fully aware that Petitioner did not receive SSP. Nevertheless, MDHS states an affidavit is required under BAM 500 for any warrants that have to be reissued. Petitioner stated during the hearing that if and/or when MDHHS asks her to sign an affidavit, she will not do so. This decision does not address whether an affidavit is necessary; if a dispute arises over whether an affidavit is necessary, Petitioner may later request a hearing to dispute that specific issue.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly failed to issue a \$42 SSP payment to Petitioner in June 2019. MDHHS is to initiate the process of reissuing the \$42 SSP payment to Petitioner within 10 days of the date of mailing of this decision. The actions taken by MDHHS are **REVERSED**.

CG/jaf



Christian Gardocki

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 Electronic Mail
DHHS

Rolando Gomez
MDHHS-Tuscola-Hearings

Via First Class Mail
Petitioner

C George

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