



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

[REDACTED]

Date Mailed: December 9, 2019  
MOAHR Docket No.: 19-010974  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**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 3-way telephone hearing was held on December 5, 2019, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Angela Drost, supervisor, and Crystal Tjapkes, specialist.

### **ISSUE**

The issue is whether MDHHS properly terminated Petitioner's state-issued Supplemental Security Income payment (SSP).

### **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 July 2019, Petitioner was an ongoing recipient of Retirement, Survivors, Disability Insurance (RSDI) of \$745 per month and Supplemental Security Income (SSI) of \$46 per month. Additionally, Petitioner received SSP of \$42 every three months from MDHHS.
2. On an unspecified date, Petitioner reported to the Social Security Administration (SSA) that he began living with his adult child and mother to his child. As a result of the reported change, SSA increased Petitioner's RSDI to \$757 and stopped Petitioner's SSI benefits no later than October 2019.
3. On August 29, 2019, MDHHS terminated Petitioner's SSP eligibility beginning October 2019 due to Petitioner's loss of SSI.

4. On September 25, 2019, Petitioner requested a hearing to dispute the termination of SSP eligibility.

### **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. MDHHS administers the program pursuant to MCL 400.10.

Petitioner requested a hearing to dispute a termination of SSP. MDHHS did not provide the corresponding closure notice, but it was not disputed that MDHHS ended Petitioner's SSP eligibility beginning October 2019 due to Petitioner no longer receiving SSI benefits.

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.*

MDHHS only issues SSP to SSI recipients in independent living situations or those who live in the household of another. *Id.* SSP is only issued for only those months the recipient received a regular first of the month federal benefit. *Id.*

MDHHS credibly testified that Petitioner received monthly benefits of \$745 in RSDI and \$46 in SSI in the beginning of 2019. MDHHS also testified that Petitioner stopped receiving SSI benefits after the SSA updated his household members in or near August 2019. The result of the update was an increase in monthly RSDI to \$757 and a stoppage in SSI no later than October 2019. MDHHS' testimony was verified by an email dated October 9, 2019, from an SSA staff member; the email stated that Petitioner's SSI eligibility ended due to the combination of a change in living arrangement and amount of disability benefits. Exhibit A, p. 1. MDHHS additionally testified that an SOLQ as of the hearing date stated that Petitioner's current SSA-issued benefits included \$757 in RSDI and no SSI.<sup>1</sup> Petitioner did not dispute any of MDHHS' testimony.

Based on the evidence, Petitioner's SSI eligibility ended no later than October 2019. Thus, the termination of Petitioner's SSP eligibility beginning October 2019 was proper.


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<sup>1</sup> An SOLQ information derives from the Social Security Administration as part of a data exchange.

**DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly terminated Petitioner's SSP eligibility beginning October 2019. The actions taken by MDHHS are **AFFIRMED**.

CG/cg

  
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**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 Email:**

MDHHS-Kent-1-Hearings  
L. Karadsheh  
D. Smith  
EQAD  
BSC3- Hearing Decisions

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

