



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR



Date Mailed: July 30, 2020
MOAHR Docket No.: 20-004097
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 July 23, 2020 from separate locations due to the COVID-19 pandemic. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Mark Boyd, Family Independence Manager.

ISSUE

Did the Department properly reduce Petitioner's State 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. The Department was notified by the Social Security Administration (SSA) that Petitioner's living arrangement had changed from independent living to living in the household of another.
2. On May 18, 2020, the Department issued a Notice of State SSI Payment Change to Petitioner indicating that effective June 11, 2020 her payment would be \$21.00.
3. On June 16, 2020, the Department received Petitioner's request for hearing disputing the reduction in her SSP.

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 benefit was changed to \$21.00 due to a change in living arrangements from independent living to living in the household of another. Supplemental Security Income (SSI) is a cash benefit to needy persons who are at least age 65, blind, or disabled. BEM 600 (January 2017), p. 1. The program is administered by SSA and states have 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.* The Department issues SSP to SSI recipients living independently or in the household of another and receiving partial or total support and maintenance in kind from that person. *Id.* Individuals living independently receive \$14.00 per month. RFT 248 (January 2020), p. 1. Individuals living in the household of another receive \$6.98 per person per month or approximately \$21.00 per quarter per person. *Id.*


Petitioner admitted during the hearing that she shares household expenses with her daughter and her mother who both live with her. Therefore, the decision by SSA and the Department to change her benefit to \$21.00 per quarter is in accordance with Department policy.

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 determined Petitioner's SSP eligibility.

DECISION AND ORDER

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

AM/tm



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 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

DHHS

Richard Latimore
4733 Conner
Detroit, MI
48215

Petitioner



cc: SSI: C. George
AP Specialist-Wayne County