



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

C [REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: August 10, 2020
MOAHR Docket No.: 20-004324
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 August 3, 2020, from Trenton, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Olivette Gordon, manager, and Achia Bains, specialist

ISSUES

The first issue is whether MDHHS properly reduced Petitioner's state-issued Supplemental Security Income payment (SSP) for the second quarter of 2020.

The second issue is whether MDHHS properly issued Food Assistance Program (FAP) benefits to Petitioner.

FINDINGS OF FACT

The administrative law judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. In March 2020, MDHHS issued \$ [REDACTED] in FAP benefits to Petitioner.
2. As of April 2020, Petitioner was an ongoing recipient of Supplemental Security Income (SSI) benefits and SSP.
3. In April 2020, MDHHS issued \$ [REDACTED] in FAP benefits to Petitioner.
4. On April 20, 2020, the Social Security Administration (SSA) issued SSI to Petitioner.
5. In May 2020, MDHHS issued \$ [REDACTED] in FAP benefits to Petitioner.

6. On May 18, 2020, MDHHS issued notice of a reduction to Petitioner's SSP for the 2nd quarter of 2020 due to Petitioner not receiving a regular first of the month SSI payment.
7. In June 2020, MDHHS issued \$█ in FAP benefits to Petitioner.
8. On █ 2020, Petitioner requested a hearing to dispute the reduction in SSP and amount of FAP benefits.
9. On June 12, 2020, MDHHS issued SSP of \$█ to Petitioner.

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 reduction of SSP. Exhibit A, p. 3. A Notice of State SSI Payment Change dated May 18, 2020, stated that Petitioner's SSP in June 2020 would be reduced because Petitioner did not receive a first of the month SSI payment. Exhibit A, pp. 4-5.

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; the state-issued amount is called SSP. *Id.* SSP is issued for only those months the recipient received a regular first of the month federal benefit. *Id.* Persons who qualify for SSP based on an independent living category are eligible to receive \$42 every three months (an average of \$14 per month). RFT 248 (January 2020) p. 1.

MDHHS issued \$█ in SSP to Petitioner which covered the quarter from April 2020 through June 2020. MDHHS testified, without refutation, that Petitioner received his federal-issued SSI benefits for April 2020 on April 20, 2020. It is not known why Petitioner did not receive his federal-issued SSI benefits from April 2020 on the first of the month, but it is not relevant. MDHHS policy unequivocally states that SSP is issued only for months when SSI is issued on the first of the month. Petitioner's tardy SSI payment for April 2020 rendered him ineligible for SSP that month. Thus, Petitioner was not eligible to receive the \$14 SSP benefit for April 2020 and his quarterly payment of \$█ was properly reduced to \$█

The Food Assistance Program [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. MDHHS administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011. MDHHS policies are contained in the Bridges

Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner also requested a hearing to dispute FAP eligibility. Petitioner's hearing request stated that more FAP benefits were needed. MDHHS responded that Petitioner received \$[REDACTED] in FAP benefits since April 2020; Petitioner contended that he received less than \$[REDACTED] in monthly FAP benefits since April 2020.

During the hearing, MDHHS presented documentation of FAP issuances to Petitioner. Exhibit B, p. 1. Petitioner's past FAP issuances were as follows:


<u>ISSUANCE DATE</u>	<u>FAP ISSUANCE AMOUNT</u>
March 19, 2020	\$[REDACTED]
March 27, 2020	\$[REDACTED]
April 19, 2020	\$[REDACTED]
April 19, 2020	\$[REDACTED]
May 19, 2020	\$[REDACTED]
May 29, 2020	\$[REDACTED]
June 19, 2020	\$[REDACTED]
June 28, 2020	\$[REDACTED]
July 19, 2020	\$[REDACTED]
July 26, 2020	\$[REDACTED]

Documentation of Petitioner's FAP issuances verified that Petitioner received \$[REDACTED] in FAP benefits for all months since March 2020. Though Petitioner may not have received his monthly allotment within a single day, \$[REDACTED] in benefits were issued over the course of each disputed benefit month. During the hearing, when confronted with documentation of past FAP issuances, Petitioner acknowledged that he may have incorrectly asserted receiving less than \$[REDACTED] in FAP benefits. Petitioner also testified that he had no other disputes over FAP eligibility. The evidence established that Petitioner received \$[REDACTED] in FAP benefits since March 2020.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly reduced Petitioner's SSP eligibility for the second quarter of 2020. It is further found that MDHHS properly issued \$[REDACTED] in FAP benefits to Petitioner since March 2020. The actions taken by MDHHS are **AFFIRMED**.

CG/tm



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-Wayne-57-Hearings
BSC4 Hearing Decisions
C. George
L. Karadsheh
MOAHR

Petitioner – Via First-Class Mail:

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