



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: October 21, 2020
MOAHR Docket No.: 20-005943
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 October 19, 2020, from Bloomfield Hills, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Nicole Phillips, Family Independence Manager. Malak Fawaz, Eligibility Specialist appeared as an Arabic translator for [REDACTED].

ISSUE

Did the Department properly close the Petitioner's State Supplemental 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 Petitioner was a recipient of Supplemental Security Income (SSI) benefits from the Social Security Administration (SSA). At the hearing, the Petitioner acknowledged that his SSI from the SSA had been terminated.
2. On August 21, 2020, the Department sent the Petitioner a Notice of State SSI payment change advising him that the Social Security Administration notified the State of Michigan that Petitioner did not receive a regular first of the month SSI payment for 3 months. The Department further advised the Petitioner that his State SSI payment had been cancelled effective August 21, 2020. Exhibit A, p. 3.

3. The Department presented an SOLQ in support of its closure of the Petitioner's State SSI payment which indicated that Petitioner had not received SSI from the SSA since January 1, 2020. Exhibit A, p. 8.
4. The Petitioner requested a timely hearing on [REDACTED], 2020 protesting the closure of his 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, the Social Security Administration ended the Petitioner's SSI benefits after January 1, 2020 which was the last SSI payment received. The Department presented an SOLQ report to demonstrate the current status of Petitioner's SSA payment for SSI and that it was last paid January 1, 2020. Exhibit A, p. 4. Thereafter on August 21, 2020, the Department sent a Notice of State SSI Payment Change to the Petitioner advising him that the State SSI payment would also be no longer paid due to the cancellation of his SSI from the Social Security Administration.

Supplemental Security Income (SSI) is a cash benefit to needy persons who are aged (at least 65), blind or disabled. **It is a federal program** administered by the Social Security Administration (SSA). States are allowed the option to supplement the federal benefit with state funds. In Michigan SSI benefits include a basic federal benefit and an additional amount paid with state funds. The amount of the state benefit varies by living arrangement. BEM 660 (January 2017), p. 1.

The Michigan Department of Health and Human Services (MDHHS) issues the State SSI Payment (SSP) to SSI recipients in the following living arrangements:

- Independent living.
- Household of another. (Living in the household of another person and receiving partial or total support and maintenance in kind from that person.)

Note: For payment levels see RFT 248 Reference Tables.

Payments are made for only those months the recipient received a regular first of the month federal benefit. These are shown on SOLQ as a **recurring payment dated the first of the month. SSPs are not issued for retroactive or supplemental federal benefits.** BEM 660 (January 2017), pp. 1-2.

State SSP benefits are issued quarterly and the quarter in question covers the period July 1, 2020 through September 2020. The Petitioner received a timely notice that his SSP benefits would end effective the last SSP payment issued August 21, 2020.

In this case, the Department correctly terminated the Petitioner's State SSP payments as they may only be made for those months that Petitioner received a regular first of the month federal SSI benefit. Once the federal SSI ended on January 31, 2020, the Petitioner was no longer eligible for the State SSP payment thereafter and his last quarterly payment would be issued for the third quarter June 11, 2020 and only for those months that he received SSI. The Notice sent by the Department correctly notified Petitioner that effective August 21, 2020 the quarterly payment had been cancelled.

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 sent Petitioner Notice that his State SSP would end effective August 21, 2020.


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 notified and closed the Petitioner's State SSP quarterly payment.

DECISION AND ORDER

Accordingly, the Department's decision is

AFFIRMED.

LF/tm



Lynn M. Ferris
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-17-Hearings
L. Karadsheh
BSC4
MOAHR

Petitioner – Via First-Class Mail:

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