



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 28, 2020
MOAHR Docket No.: 20-005976
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 telephone hearing was held on October 26, 2020, via telephone conference line. Petitioner did not participate in the hearing.¹ Petitioner appeared and was represented by an authorized hearing representative (AHR) her friend, [REDACTED]. The Michigan Department of Health and Human Services (MDHHS) was represented by Valarie Foley, hearings facilitator.

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 April 2020, Petitioner was a recipient of federal-issued Supplemental Security Income (SSI). Petitioner also received ongoing SSP of \$42 every three months.
2. As of May 2020, the Social Security Administration stopped Petitioner's SSI eligibility.

¹ Petitioner was present for the phone call.

3. On August 21, 2020, MDHHS issued notice of SSP termination, effective August 21, 2020, due to Petitioner not receiving a regular first of the month SSI payment for three consecutive months.
4. On [REDACTED] 2020, 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 stoppage in SSP. Exhibit A, pp. 3-4. Documentation of Petitioner's SSP history listed that Petitioner's last issuance was for April 2020. Exhibit A, p. 6. A Notice of State SSI Payment Change dated August 21, 2020, stated that Petitioner was ineligible for SSP due to not receiving federal-issued SSI for three months. Exhibit A, pp. 3-4.²

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.* SSP is paid quarterly, in the last month of the quarter. SSP is issued for only those months the recipient received a regular first of the month federal benefit. *Id.*

Petitioner's SSI eligibility ended after April 2020. Petitioner's AHR did not understand why Petitioner's SSI eligibility ended, but it was not disputed that she stopped receiving SSI beginning May 2020. MDHHS testimony stated that a data exchange with SSA listed a stoppage code of "N07"; this code means that SSA no longer considers Petitioner to be disabled. In response, Petitioner's AHR testified that Petitioner was disabled. Petitioner's AHR may be correct, but that is irrelevant; what is relevant is that Petitioner did not receive SSI payments since May 2020.

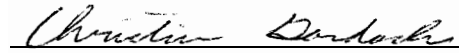
Given the evidence, MDHHS properly stopped SSP benefits to Petitioner beginning May 2020 due to Petitioner's stoppage in SSI benefits. As discussed during the hearing, Petitioner is encouraged to contact SSA to dispute its finding that she is not disabled and/or ineligible to receive SSI benefits.

² Petitioner's hearing request was submitted on the notice of closure.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly did not issue SSP to Petitioner for the third quarter of 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-19-Hearings
L. Karadsheh
BSC4
MOAHR

Petitioner – Via First-Class Mail:

[REDACTED]
[REDACTED]
[REDACTED]

Authorized Hearing Rep. – Via First-Class Mail

[REDACTED]
[REDACTED]
[REDACTED]