



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: November 4, 2020
MOAHR Docket No.: 20-005985
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 29, 2020, from Detroit, Michigan. Petitioner appeared for the hearing and was represented by her son/Authorized Hearing Representative (AHR) [REDACTED]. The Department of Health and Human Services (Department) was represented by Haysem Hosny, Hearing Facilitator.

At the commencement of the hearing and with the consent of Petitioner's AHR, the present matter was consolidated for hearing purposes only with MOAHR Docket No: 20-005987 involving Petitioner's husband. It was established that both matters arose out of the same set of circumstances and the parties in both cases agreed to the consolidation.

ISSUE

Did the Department properly terminate Petitioner's State Supplement SSI Payment (SSP) program benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner was previously approved for Supplemental Security Income (SSI) through the federal Social Security Administration (SSA).
2. Petitioner was previously an ongoing recipient of SSP program benefits through the Department.

3. On August 21, 2020, the Department sent Petitioner a Notice of State SSI Payment to Change (Notice) advising her that her quarterly State SSI Payment has been canceled. The reason for the change was that the SSA notified the Department that Petitioner was no longer eligible for federal SSI benefits. The Notice further advised Petitioner that the last State SSI Payment she will receive from the Department would be on September 15, 2020. (Exhibit A, pp. 3-4)
4. Petitioner's SSI benefits were terminated effective September 1, 2020.
5. On September 11, 2020 Petitioner requested a hearing disputing the closure of his SSP case. Although not reflected on the request for hearing, Petitioner gave authorization for her son, [REDACTED] to represent her at the hearing as she did not speak English well and required assistance. (Exhibit A, pp. 8-9)

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.

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 Department issues SSP benefits to SSI recipients in the following living arrangements: Independent living or Household of another (Living in the household of another person and receiving partial or total support and maintenance in kind from that person). SSP payments are issued quarterly and payment levels are determined by RFT 248. BEM 660, pp. 1-2; RFT 248 (January 2020), pp. 1-3. Payments are made for only those months the SSI recipient received a regular first of the month federal benefit. These are shown as a recurring payment dated the first of the month on the State Online Query (SOLQ). BEM 660, pp. 1-2. The DHS – 430, Notice of State SSI Payment Change is sent to each SSI recipient whose current quarterly SSP payment is less than the previous quarterly state SSP payment. The Notice gives recipients timely notice of any proposed benefit reduction, notifies recipients of their hearing rights, and notifies recipients of the date they will receive their next reduced quarterly check. BEM 660, p. 3.

Petitioner requested a hearing disputing the information in the August 21, 2020 Notice, and the Department's termination of her State SSI Payment. The Department testified that it received information from the SSA indicating that Petitioner is no longer eligible for SSI benefits and that all of Petitioner's SSI benefits have ended. During the hearing, the Department reviewed Petitioner's SOLQ and testified that it shows Petitioner's payment status is coded as N- 13, Non-Pay, not a citizen or eligible alien. The SOLQ further shows that Petitioner's last recurring payment dated the first of the month was August 1, 2020 and that no payment was made on September 1, 2020.

Petitioner did not dispute that her SSI benefits have been terminated and testified that she has not received SSI benefits for a few months. Petitioner's AHR confirmed that Petitioner received notification from SSA advising her of the citizenship and eligible alien requirements. Petitioner's AHR asserted that Petitioner was to be taking her United States citizenship test, however, the process was delayed due to COVID-19. Petitioner was informed that the undersigned Administrative Law Judge does not have the authority to address Petitioner's eligibility for federal SSI benefits. Petitioner was instructed to make contact with SSA in order to obtain additional information regarding the termination of her federal SSI benefit.


The evidence established that Petitioner was no longer a recipient of SSI benefits and because her last recurring payment of SSI benefits was received on August 1, 2020, Petitioner was not eligible for SSP administered through the Department after that time.

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 terminated Petitioner's SSP benefits.

DECISION AND ORDER

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

ZB/jem



Zainab A. Baydoun
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-Macomb-36-Hearings
BSC4-HearingDecisions
C. George
MOAHR

Petitioner – Via USPS:

[REDACTED]

Authorized Hearing Rep – Via USPS:

[REDACTED]