



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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██████████, MI ██████████

Date Mailed: November 24, 2020
MOAHR Docket No.: 20-006515
Agency No.: ██████████
Petitioner: ██████ ██████

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 November 19, 2020, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Shelia Crittenden Family Independence Manager. Department Exhibit 1, pp. 1-11 was received and admitted.

ISSUE

Did the Department properly close Petitioner's State SSI Payment (SSP) because he was not receiving SSI from the Social Security Administration?

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 a recipient of SSP from the Department.
2. Petitioner received no SSI payment from Social Security on August 1, 2020.
3. On August 18, 2020, Petitioner received \$██████████ payment from the Social Security Administration.
4. On August 20, 2020, a Notice of State SSI Payment change was sent to Petitioner informing him that his State SSI payment would be reduced because he did not received his regular first of the month SSI payment from the Social Security Administration.

5. On August 27, 2020, Petitioner requested hearing disputing the reduction 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.

State SSI Payment: 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 (October 2019)

In this case, Petitioner testified that he did not received his August SSI payment on August 1, 2020 because he was changing the bank account where his benefit was paid and had difficulty making the change. Petitioner testified that it was a problem with the Social Security systems and no fault of his own.

Petitioner did not receive SSI payment on August 1, 2020. Petitioner received a \$ [REDACTED] SSI payment on August 18, 2020. Department policy states that SSP is only paid to SSI recipients who received SSI on the first of the month. BEM 660 Petitioner did not receive payment on the first on the month and therefore was not entitled to SSP payment from August 2020. This was action taken by the Department and it was proper and correct and consistent with Department policy. The fact that the lapsed payment may not have been Petitioner's fault has no bearing.

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 did not pay Petitioner's SSP benefit for August 2020.

DECISION AND ORDER

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

AM/nr



Aaron McClintic
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

Sheila Crittenden
10641 W. Watergate Rd.
Cadillac, MI
49601

Wexford County DHHS (Gr8North-
Hearings)- via electronic mail

BSC1- via electronic mail

D. Smith- via electronic mail

EQAD- via electronic mail

Petitioner

██████████ - via first class mail

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██████████, MI

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