



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]  
[REDACTED]

Date Mailed: January 6, 2021  
MOAHR Docket No.: 20-007332  
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 January 4, 2021, via telephone conference line. Petitioner participated and was represented. [REDACTED] Petitioner's aunt and guardian, testified and participated as Petitioner's authorized hearing representative (AHR). The Michigan Department of Health and Human Services (MDHHS) was represented by Christina Tanzini, hearings facilitator.

### **ISSUE**

The issue is whether MDHHS properly reduced 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 [REDACTED] 2020, Petitioner was a recipient of federal-issued Supplemental Security Income (SSI). Petitioner also received ongoing SSP of \$42 every three months.
2. In August 2020, Petitioner did not receive a federally issued SSI payment on the first of the month.
3. On August 21, 2020, MDHHS issued notice of SSP reduction, effective August 21, 2020, due to Petitioner not receiving a regular first of the month SSI payment.
4. On [REDACTED], 2020, Petitioner's AHR requested a hearing to dispute the reduction in SSP.

5. On September 15, 2020, MDHHS issued a \$28 payment to Petitioner for SSP.

### **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's AHR requested a hearing to dispute a reduction in SSP.<sup>1</sup> Exhibit A, pp. 3-4. A Notice of State SSI Payment Change dated August 21, 2020, stated that Petitioner's SSP payment would be reduced due to not receiving one or two federally issued SSI payments on the first of the month. Exhibit A, pp. 6-7.

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.* 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.

A hearing facilitator credibly testified that MDHHS issued \$42 SSP payments to Petitioner on March 6, 2020, June 5, 2020, and December 7, 2020. On September 15, 2020, MDHHS issued a \$28 payment to Petitioner for the third quarter of 2020. Given Petitioner's independent living status, the only potential dispute could be the one month reduction in Petitioner's SSP for the third quarter of 2020.

MDHHS testified that Petitioner's third quarter SSP was reduced due to Petitioner not receiving SSI in August 2020 on the first of the month.<sup>2</sup> Petitioner's AHR acknowledged there were problems with Petitioner's SSI around that time because of a change in Petitioner's guardianship following the passing of her mother. Petitioner and her AHR also did not dispute that MDHHS correctly reduced Petitioner's SSP eligibility.

Given the evidence, Petitioner did not receive SSI on the first of the month for August 2020. Thus, MDHHS properly reduced Petitioner's SSP payment covering July 2020 through September 2020.

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<sup>1</sup> Petitioner's AHR requested a hearing by signing the SSP reduction notice in the place where clients can ask for a hearing and returning the form to MDHHS. She testified that she did not even realize that she requested a hearing concerning SSP.

<sup>2</sup> MDHHS presented documentation purportedly verifying that Petitioner's SSI was not issued for August 2020. Exhibit A, p. 8. The documentation is not cited as evidence because the month of non-payment was not legible on the document.

**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 from July through September 2020. The actions taken by MDHHS are **AFFIRMED**.

CG/tm

  
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**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-Macomb-36-Hearings  
L. Karadsheh  
BSC4  
MOAHR

**Petitioner – Via First-Class Mail:**

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