



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: March 5, 2021
MOAHR Docket No.: 20-007593
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 three-way telephone hearing was held on March 3, 2021, from Detroit, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Eileen Kott, Family Independence Manager.

ISSUE

Did the Department properly close the Petitioner's STATE SSP quarterly SSI payment?

FINDINGS OF FACT

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

1. On November 16, 2020, the Department sent the Petitioner a Notice of State SSI Payment Change (Notice) advising Petitioner that her State SSI Payment was cancelled.
2. The Notice stated the reason for the change was that "The Social Security Administration notified the Michigan Department of Human Services that you are no longer eligible for SSI. The last payment will be issued on December 14, 2020".
3. The State SSI payment from the State of Michigan was \$42 every quarter before it was closed.
4. The Petitioner requested a timely hearing on November 30, 2020 protesting the Department's actions.

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 on December 1, 2020 which was the last SSI payment received. The Department presented an Eligibility Summary to demonstrate the current status of Petitioner's SSA payment for SSI and that it was last paid in November 2020. Thereafter on November 16, 2020, the Department sent a Notice of State SSI Payment Change to the Petitioner advising her that the State SSI payment would also be no longer paid due to the cancellation of her 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 October 2020 through December 2020. The Petitioner received a timely notice that her SSP benefits would end effective the last SSP payment issued December 14, 2020. Exhibit A, p. 3.

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, the Petitioner was no longer eligible for the State SSP payment thereafter and her last quarterly payment would be issued for the fourth quarter on December 14, 2020 and only for those months that she received SSI.

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 her State SSP would end effective November 16, 2020 with the last payment paid December 14, 2020.

DECISION AND ORDER

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

LF/tm



Lynn M. Ferris
Administrative Law Judge
for Elizabeth Hertel, Director
Department of Health and Human Services

