



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] MI [REDACTED]

Date Mailed: March 18, 2021
MOAHR Docket No.: 20-007595
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 21, 2021. [REDACTED] the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Brad Reno, Eligibility Specialist and Hearings Facilitator (ES/HF).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-18.

ISSUE

Did the Department properly reduce Petitioner's State SSI 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. Petitioner was receiving ongoing SSP payments.
2. On October 17, 2020, Petitioner's SSP was closed for November 2020 because she did not meet program requirements. (Exhibit A, pp. 8-9)
3. On October 17, 2020, Petitioner's Supplemental Security Income (SSI) related Medicaid case was certified as approved for November 2020. (Exhibit A, p. 10)
4. No written notice of the SSP case action was issued on October 17, 2020. (Exhibit A, p. 11)

5. On October 27, 2020, a Notice of Case Action was issued to Petitioner stating SSP payments were approved as of December 1, 2020. (Exhibit A, pp. 12-13)
6. On November 16, 2020, the Department issued a Notice of State SSI Payment Change to Petitioner stating her SSP payment would be reduced effective November 16, 2020 because the Social Security Administration (SSA) notified the Department that she did not receive a regular first of the month SSI payment for 1-2 months. (Exhibit A, pp. 4-5)
7. Petitioner did not receive an SSP payment for November 2020. (Exhibit A, pp. 8 and 17)
8. On December 4, 2020, Petitioner filed a hearing request contesting the Department's action. (Exhibit A, pp. 4-5)
9. A State On-Line Query (SOLQ) report shows regular recurring SSI payments dated the first of the month, including a regular recurring SSI payment for November 1, 2020. (Exhibit A, pp. 14-16)
10. On December 9, 2020, the local Department office sent an email to the SSI Coordination Unit asking if there was a system error and whether Petitioner should be receiving a full SSP payment for this quarter. (Exhibit A, p. 18)
11. A December 11, 2020, case comment shows that the SSI Coordination Unit responded and a \$14.00 supplemental SSP payment was added to Petitioner's case. A Benefit Notice was issued to Petitioner stating that payment would be made. (ES/HF Testimony)

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.

SSP 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 1, 2020, p. 1.

In this case, the Department erred in closing Petitioner's SSP case for November 2020. The case record indicates that on October 17, 2020, Petitioner's SSP was closed for

November 2020 because she did not meet program requirements. (Exhibit A, pp. 8-9) No written notice of the SSP case action was issued on October 17, 2020. (Exhibit A, p. 11) However, on October 17, 2020, Petitioner's SSI related Medicaid case was certified as approved for November 2020. (Exhibit A, p. 10)

On October 27, 2020, a Notice of Case Action was issued to Petitioner stating SSP payments were approved as of December 1, 2020. (Exhibit A, pp. 12-13) However, on November 16, 2020, the Department issued a Notice of State SSI Payment Change to Petitioner stating her SSP payment would be reduced effective November 16, 2020 because the SSA notified the Department that she did not receive a regular first of the month SSI payment for 1-2 months. (Exhibit A, pp. 4-5) Petitioner did not receive an SSP payment for November 2020. (Exhibit A, pp. 8 and 17)

A State On-Line Query (SOLQ) report shows regular recurring SSI payments dated the first of the month, including a regular recurring SSI payment for November 1, 2020. (Exhibit A, pp. 14-16; ES/HF Testimony) Accordingly, on December 9, 2020, the local Department office sent an email to the SSI Coordination Unit asking if there was a system error and whether Petitioner should be receiving full SSP payment for this quarter. (Exhibit A, p. 18) A December 11, 2020, case comment shows that the SSI Coordination Unit responded and a \$14.00 supplemental SSP payment was added to Petitioner's case. A Benefit Notice was issued to Petitioner stating that payment would be made. The case record indicated the payment was issued on December 17, 2020. (ES/HF Testimony)

Petitioner's testimony indicated she never received the supplemental payment issued on December 17, 2020. (Petitioner Testimony) As discussed during the hearing proceeding, BAM 500 addresses the procedure to follow when a client reports a payment warrant as not received. BAM 500, October 1, 2015, pp. 1-8.

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 did not act in accordance with Department policy when it closed Petitioner's SSP case for November 2020.

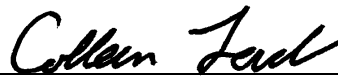
DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. If they have not already done so, re-determine Petitioner's eligibility for the November 2020 SSP payment in accordance with Department policy.

CL/ml



Colleen Lack
Administrative Law Judge
for Elizabeth Hertel, 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

Tamara Morris
Genesee (Union St) County DHHS – via
electronic mail

BSC2 – via electronic mail

C. George – via electronic mail

EQAD – via electronic mail

Petitioner

██████████ – via first class mail

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