



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 10, 2021
MOAHR Docket No.: 20-007693
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 hearing was held via telephone conference on March 3, 2021. Petitioner participated and was represented. [REDACTED], Petitioner's husband, testified on behalf of Petitioner and participated as her authorized hearing representative. The Michigan Department of Health and Human Services (MDHHS) was represented by Haysem Hosny, hearings facilitator.

ISSUE

The issue is whether MDHHS properly terminated 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 October 2020, Petitioner was a recipient of federally issued Supplemental Security Income (SSI). Petitioner also received ongoing SSP.
2. On an unspecified date, the Social Security Administration (SSA) stopped Petitioner's SSI eligibility before or beginning November 2020.
3. On November 16, 2020, MDHHS issued Petitioner notice of SSP termination, effective November 16, 2020, due to Petitioner not being eligible for federally issued SSI.

4. On [REDACTED], 2020, Petitioner requested a hearing to dispute the termination of SSP eligibility.

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 requested a hearing to dispute a termination of SSP.¹ Exhibit A, pp. 3-4. A Notice of State SSI Payment Change dated November 16, 2020, stated that Petitioner was ineligible for SSP due to SSI ineligibility. 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.*

MDHHS contended that Petitioner's SSP properly ended after Petitioner's federally issued SSI ended. Petitioner's husband acknowledged that SSA terminated his wife's SSI eligibility as of November 2020. Petitioner's husband disagreed with SSA's termination; however, his disagreement with SSA must be addressed with SSA and not MDHHS.

Given the evidence, Petitioner was ineligible for SSI as of November 2020. Thus, MDHHS properly stopped SSP benefits to Petitioner effective November 16, 2020 due to Petitioner's ineligibility for SSI.

¹ Petitioner's husband expressed displeasure concerning a prehearing conference dated December 8, 2020. He stated that he went to the MDHHS office at the scheduled time but was rudely turned away. MDHHS apparently intended a telephone prehearing conference though its notice was ambiguous. Exhibit A, p. 5. The lack of prehearing does not impact the substantive analysis.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly terminated Petitioner's SSP effective November 16, 2020. The actions taken by MDHHS are **AFFIRMED**.

CG/tm



Christian Gardocki
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

Via Email:

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

Petitioner – Via First-Class Mail:

[REDACTED]
[REDACTED]
[REDACTED]