



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: February 22, 2021
MOAHR Docket No.: 20-007976
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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 February 17, 2021.

Petitioner appeared and testified unrepresented.

The Michigan Department of Health and Human Services (Department) was represented by Kaitlyn Eitzen, ES. Heather Gansemer, FIS appeared as a witness.

Department Exhibit A.7 was offered and admitted into the record.

ISSUE

Did the Department properly close Petitioner's State Supplemental Program (SSP) case?

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 or about November 16, 2020, the Department received information from a Social Security Administration (SSA) data exchange that Petitioner was no longer eligible for SSI payments.
2. On November 16, 2020, the Department issued a Notice of State SSI Payment Change informing Petitioner that his SSP payment case will close effective December 14, 2020, on the grounds that the SSA notified the Department that Petitioner was no longer eligible for SSI.

3. On December 7, 2020, Petitioner filed a hearing request.

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. Department policy is found primarily at BEM 660.

Specific applicable policy states in part:

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.

... 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, pages 1-2**

Individuals asserting eligibility for welfare benefits have the burden of proof by a preponderance of evidence. That burden falls on Petitioner in this case.

Here, Petitioner argues that his income is below \$2,000.00 and thus he should be eligible for SSP payments.

The Department pointed out that Petitioner is apparently confusing the SSP program and the SSI program. The SSP program is issued by the State of Michigan; the SSI program is issued by SSA, a federal agency. The SSP program is a State of Michigan program paid as a supplement by the state to individuals who receive SSI. If an individual does not receive SSI, then there is no SSP payment. If an individual disputes the closure of their SSI case, then they must request an appeal with SSA, not the State of Michigan.

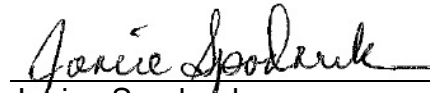
Here, Petitioner failed to meet his burden of proof to establish that he is eligible for SSP payments under any law or authority when he does not have an active SSI case.

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 closed Petitioner's SSP case.

DECISION AND ORDER

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

JS/ml



Janice Spodarek
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

Renee Olian
Kalamazoo County DHHS – via electronic
mail

BSC3 – via electronic mail

C. George – via electronic mail

EQAD – via electronic mail

Petitioner

██████████ – via first class mail

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