



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] MI [REDACTED]

Date Mailed: July 14, 2021  
MOAHR Docket No.: 21-001307  
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 April 22, 2021. The Petitioner was represented by [REDACTED], Mother. [REDACTED], the Petitioner, appeared and testified. The Department of Health and Human Services (Department) was represented by Marianna Martinez, Eligibility Specialist (ES) and Susan Hernandez, Assistance Payments Supervisor (APS). Interpreter number 7582, Language Line, provided interpretation services during the hearing.

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-4.

### **ISSUE**

Did the Department properly cancel Petitioner's quarterly 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. A State On-Line Query (SOLQ) report showed Petitioner was in a non-payment status for Social Security Administration (SSA) issued benefits. Per the Supplemental Security Income (SSI) coordinator, SSA was determining whether Petitioner is really disabled. (Exhibit A, p. 2; Department Testimony)

3. On February 15, 2021, a Notice of Case Action was issued to Petitioner stating Petitioner's quarterly SSP had been cancelled effective February 15, 2021 because the SSA notified the Department that he did not receive a regular first of the month SSI payment for three months. It was noted that Petitioner must receive the regular first of the month SSI payment to be eligible for SSP. (Exhibit A, pp. 3-4)
4. On March 9, 2021, Petitioner filed a hearing request contesting the Department's action. (Exhibit A, pp. 3-4)

### **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, a SOLQ report showed Petitioner was in a non-payment status for SSA issued benefits. Per the SSI coordinator, SSA was determining whether Petitioner is really disabled. (Exhibit A, p. 2; Department Testimony)

Accordingly, on February 15, 2021, a Notice of Case Action was issued to Petitioner stating Petitioner's quarterly SSP had been cancelled effective February 15, 2021 because the SSA notified the Department that he did not receive a regular first of the month SSI payment for three months. It was noted that Petitioner must receive the regular first of the month SSI payment to be eligible for SSP. (Exhibit A, pp. 3-4)

Petitioner's mother testified that Petitioner is still in special education even though he is over 20 years old. Petitioner is like a [REDACTED]. The doctor told them that Petitioner would qualify due to the way he was born, he was premature and sick. (Mother Testimony) As noted during the hearing proceeding, SSA will determine whether Petitioner is disabled for purposes of the SSI program. This Administrative Law Judge can only review whether the Department properly stopped the quarterly SSP benefit for Petitioner.

Petitioner's mother acknowledged that that the SSI payment stopped. (Mother Testimony) Accordingly, the Department properly stopped the SSP benefit because

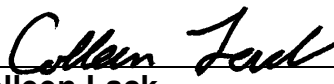
Petitioner was no longer receiving a regular first of the month federal SSI benefit payment.

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**.

CL/ml

  
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Colleen Lack  
Administrative Law Judge

**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 – via electronic mail**

MDHHS-Ottawa-Hearings  
BSC3  
C. George  
EQAD

**Petitioner – via electronic mail**

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]

**Authorized Hearing Rep. – via first class mail**

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]