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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

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DIRECTOR

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Date Mailed: April 30, 2021
MOAHR Docket No.: 21-001392
Agency No.: ██████████
Petitioner: ██████████

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 line on April 22, 2021. Petitioner testified and was represented. ██████████ Petitioner’s son, testified and participated as Petitioner’s authorized hearing representative (AHR) and as an Albanian-English translator. ██████████, Petitioner’s husband, testified on behalf of Petitioner.¹ The Michigan Department of Health and Human Services (MDHHS) was represented by Haysem Hosny, hearings coordinator.

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 January 2021, Petitioner was a recipient of federally issued Supplemental Security Income (SSI). Petitioner also received ongoing SSP of \$31.50 every three months.
2. On an unspecified date on or before February 15, 2021, the Social Security Administration (SSA) stopped Petitioner’s SSI eligibility.

¹ Petitioner’s husband also had a hearing scheduled on April 22, 2021 (under Docket No. 21-001391) for the same dispute. During the hearing, Petitioner’s AHR stated that there was no need for Petitioner’s father to attend the hearing after understanding the actions taken by MDHHS.

3. On February 15, 2021, MDHHS sent Petitioner notice of SSP termination, effective February 15, 2021, due to Petitioner not being eligible for SSI.
4. On ██████████ 2021, 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.² 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.*

It was not disputed that Petitioner received ongoing SSP benefits of \$10.50 every three months before MDHHS terminated her eligibility. MDHHS contended that Petitioner's SSP properly ended after Petitioner's federally issued SSI ended. MDHHS's contention was consistent with a document listing the end of Petitioner's SSP and Medicaid based on receipt of SSI. Exhibit A, p. 5. During the hearing, Petitioner's AHR acknowledged that Petitioner's SSI ended before the end of February 2021. The evidence established that Petitioner's SSI benefits stopped before the end of February 2021.


Petitioner's SSI ineligibility rendered her ineligible to continue receiving SSP. Thus, MDHHS properly terminated Petitioner's SSP eligibility effective February 15, 2021, due to Petitioner's ineligibility for SSI.

² Petitioner's AHR suggested that Petitioner wanted a hearing to dispute an attempted recoupment by SSA of SSI benefits. Petitioner's AHR was advised that a dispute of SSI benefits must be directed to the SSA, and not MDHHS.

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 eligibility effective February 15, 2021. The actions taken by MDHHS are **AFFIRMED**.

CG/tm



Christian Gardocki
Administrative Law Judge

