



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: July 14, 2021
MOAHR Docket No.: 21-001711
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 28, 2021. [REDACTED] the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Lianne Scupholm, Hearing Facilitator (HF), and Sara Sanger, Eligibility Specialist (ES).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-8.

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 data exchange with Social Security Administration (SSA) showed that Petitioner was no longer eligible for Supplemental Security Income (SSI) benefits. (Exhibit A, pp. 1 and 5; 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 she was no longer eligible for SSI. (Exhibit A, pp. 4-6)

4. On March 22, 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 data exchange with SSA showed that Petitioner was no longer eligible for SSI benefits. (Exhibit A, pp. 1 and 5; 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 she was no longer eligible for SSI. (Exhibit A, pp. 4-6) The Department properly stopped the SSP benefit because Petitioner was no longer receiving a regular first of the month federal SSI benefit payment.

Petitioner had questions regarding money being taken back. (Petitioner Testimony) As discussed, for this hearing request, there is only jurisdiction to review whether the Department properly stopped the quarterly SSP benefit for Petitioner.

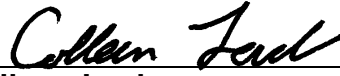
Petitioner testified that she was okay with them stopping the supplement to the SSI payment. (Petitioner Testimony)

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 cancelled Petitioner's SSP case.

DECISION AND ORDER

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

CL/ml



Colleen Lack
Administrative Law Judge
for Elizabeth Hertel, Director
Department of Health and Human Services

