



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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████████████████████, MI ██████████

Date Mailed: August 23, 2021
MOAHR Docket No.: 21-002841
Agency No.: ██████████
Petitioner: ██████ ██████ ██████ ██████

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on July 27, 2021. Petitioner was represented by himself and ██████████ ██████████. The Department was represented by Haysem Hosny.

ISSUE

Did the Department of Health and Human Services (Department) properly close Petitioner's State Supplemental Security Income (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. Through its database connection with the Social Security Administration (SSA), the Department discovered that Petitioner did not receive his regular Supplemental Security Income (SSI) payment on the first of the month. Exhibit A, p 6.
2. On May 18, 2021, the Department notified Petitioner that his Supplemental Security Income (SSI) payment would be reduced. Exhibit A, p 8.
3. On June 4, 2021, the Department received Petitioner's request for a hearing protesting the denial of State Supplemental Security Income (SSP) benefits. 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.

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 of SSP benefits are made for only those months the recipient received a regular first of the month federal benefit. Department of Health and Human Services Bridges Eligibility Manual (BEM) 660 (October 1, 2020), p 1.

Petitioner was an ongoing SSP recipient when the Department discovered that he had not received a regular SSI payment from the federal government on the first of the month. Eligibility for the SSP payment, which is paid quarterly, requires that the recipient receive a regular SSI payment on the first of the month from the federal government. Supplemental payments and any payments not made on the first of the month do not qualify the recipient for the supplemental SSP payment.

In this case, Department records indicate that the federal SSA notified the Department through its electronic database that Petitioner did not received a regular SSI payment on the first of the month. Therefore, the Department notified Petitioner that he would not receive the SSP payment for that month.


Petitioner testified that he is an ongoing SSI recipient but failed to offer any evidence that he continued to receive a regular SSI payment on the first of the month. Petitioner's eligibility for the SSP payment, which is paid quarterly, will resume if his regular SSI payment on the first of the month resumes.

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 reduced Petitioner's State Supplemental Security Income (SSP) benefits level.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings
and Rules (MOAHR)

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

Dawn Tromontine
41227 Mound Rd.
Sterling Heights, MI 48314

Macomb 36 County DHHS- via electronic
mail

BSC4- via electronic mail

C. George- via electronic mail

EQAD- via electronic mail

Petitioner

██████████ - via first class mail

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