



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

████████████████████
████████████████████
██████████, MI ██████████

Date Mailed: August 2, 2021
MOAHR Docket No.: 21-002960
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 July 26, 2021. Petitioner testified and was represented. ██████████ Petitioner's mother, testified on behalf of Petitioner and participated as Petitioner's authorized hearing representative (AHR). The Michigan Department of Health and Human Services (MDHHS) was represented by Karen Smalls, supervisor.

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 March 2021, Petitioner was a recipient of federally issued Supplemental Security Income (SSI). Petitioner also received ongoing SSP of ██████ every three months.
2. On May 18, 2021, MDHHS sent Petitioner notice of SSP termination, effective June 2021, due to Petitioner not being eligible for SSI.
3. As of June 2021, the Social Security Administration (SSA) stopped Petitioner's SSI eligibility.

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's AHR requested a hearing to dispute a termination of Petitioner's SSP benefits. Exhibit A, p. 3. A Notice of State SSI Payment Change dated May 18, 2021, stated that Petitioner was ineligible for SSP due to SSI ineligibility. Exhibit A, pp. 4-5.

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 ██████ every three months before MDHHS terminated her eligibility. MDHHS credibly testified that Petitioner received a prorated payment of ██████ in June 2021 to cover April and May 2021. MDHHS contended that Petitioner's SSP properly ended June 2021 after Petitioner's federally issued SSI ended. Petitioner's testimony acknowledged that she received her last SSI payment in May 2021.¹


Petitioner's ineligibility for SSI beginning June 2021 rendered her ineligible for SSP beginning June 2021. Thus, MDHHS properly terminated Petitioner's SSP eligibility effective June 2021.

¹ Petitioner did not acknowledge that her SSI eligibility properly ended. As discussed during the hearing, Petitioner's dispute over SSI eligibility is with the Social Security Administration, 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 June 2021. The actions taken by MDHHS are **AFFIRMED**.

CG/tm



Christian Gardocki
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

Via Email:

MDHHS-Oakland-3-Hearings
L. Karadsheh
BSC4
MOAHR

**Via First-Class Mail:
Petitioner**

████████████████████
████████████████████
██████ MI ██████

Authorized Hearing Representative

████████████████████
████████████████████
██████ MI ██████