



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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Date Mailed: September 22, 2021
MOAHR Docket No.: 21-003928
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 September 13, 2021. Petitioner did not participate. ██████████ Petitioner's mother, appeared as Petitioner's authorized hearing representative (AHR) and testified on behalf of Petitioner. The Michigan Department of Health and Human Services (MDHHS) was represented by Corlette Brown, hearings facilitator, and Edward Shelton, specialist.

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. As of April 2021, the Social Security Administration (SSA) stopped Petitioner's SSI eligibility.
3. On May 18, 2021, MDHHS sent Petitioner notice of SSP termination, effective immediately, due to Petitioner not receiving a regular, first of the month SSI payment in the past three months.

4. On [REDACTED] 2021, Petitioner's AHR requested a hearing to dispute the termination of SSP.

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, pp. 3-4. A Notice of State SSI Payment Change dated May 18, 2021, stated that Petitioner was ineligible for SSP due to not receiving a regular, first of the month SSI payment in the past three months. 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 \$[REDACTED] every three months before MDHHS terminated her eligibility. It was also not disputed that Petitioner stopped Petitioner's SSI benefits by April 2021.

During the hearing, Petitioner's AHR questioned why her daughter's SSI eligibility ended. The question is suited for SSA who is responsible for determining SSI eligibility. For purposes of Petitioner's SSP eligibility, the reason that Petitioner's SSI stopped is immaterial. As of May 2021, Petitioner was no longer receiving SSI. Thus, MDHHS properly terminated Petitioner's SSP eligibility.

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 May 18, 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-Wayne-31-Hearings
L. Karadsheh
BSC4
MOAHR

Via First-Class Mail:

Petitioner –

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Authorized Hearing Rep. -

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