



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: March 14, 2022
MOAHR Docket No.: 21-005999
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Danielle Nuccio

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 March 2, 2022. The Petitioner appeared and was represented by his guardian, ██████████ (Authorized Hearing Representative (AHR)). The Department of Health and Human Services (MDHHS) was represented by Valarie Foley, Hearing Facilitator.

ISSUE

Did MDHHS properly cancel Petitioner's State Supplemental Security Income Payments (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 received Supplemental Security Income (SSI) until August 31, 2021 (Exhibit A, p. 11).
2. On November 22, 2021, MDHHS issued a Notice of State SSI Payment change informing Petitioner that his quarterly SSP is cancelled because the Social Security Administration (SSA) informed MDHHS that Petitioner did not receive a regular first of the month SSI payment for 3 months and therefore is no longer eligible to receive SSP (Exhibit A, pp. 6-7).
3. On December 17, 2021, MDHHS received a timely submitted hearing request from Petitioner disagreeing with the action taken by MDHHS regarding his SSP cancellation (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.

In this case, Petitioner requested a hearing regarding the cancellation of his SSP.

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 SSA. States are allowed the option to supplement the federal benefit with state funds. In Michigan, SSI recipients are eligible for an additional amount paid with state funds. MDHHS issues this SSP to SSI recipients. Payments are made for only those months the recipient received a regular first of the month federal benefit. BEM 660 (October 2020), pp. 1-2.

In this case, Petitioner's SSI ended on August 31, 2021. The AHR confirmed that Petitioner did not receive SSI after August 31, 2021. Petitioner did not appeal SSA's decision regarding his SSI benefits but has recently reapplied. Once Petitioner no longer was a SSI recipient, he was not eligible to receive SSP. Petitioner was advised that MDHHS is unable to make determinations as to SSI eligibility since it is a federal benefit administered by the SSA. Since Petitioner was no longer receiving SSI, MDHHS properly stopped issuing SSP.

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 MDHHS acted in accordance with Department policy when it stopped issuing SSP to Petitioner when his SSI ended.

DECISION AND ORDER

Accordingly, MDHHS' decision is **AFFIRMED**.



Danielle Nuccio
Administrative Law Judge

DN/mp

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

Email Recipients:

MDHHS-Wayne-19-Hearings
C. George
MOAHR
BSC4

First-Class Mail Recipient:

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