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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 10, 2022  
MOAHR Docket No.: 21-006167  
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 March 3, 2022. Petitioner participated and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Michelle Collins, hearings facilitator. ██████████, Petitioner's niece, participated as a Bengali-English translator.

**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 August 2021, Petitioner was a recipient of federally issued Supplemental Security Income (SSI). Petitioner also received ongoing SSP of \$████ every three months.
2. As of September 2021, the Social Security Administration (SSA) stopped Petitioner's SSI eligibility.
3. On November 22, 2021, MDHHS sent Petitioner notice of SSP termination, effective immediately, due to Petitioner not receiving SSI for three months.
4. On December 21, 2021, Petitioner 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 requested a hearing to dispute a termination of SSP benefits.<sup>1</sup> Exhibit A, pp. 3-4. A Notice of State SSI Payment Change dated November 22, 2021, stated that Petitioner was ineligible for SSP due to not receiving SSI for three months. *Id.*

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. <sup>2</sup> SSP is issued for only those months that the SSI recipient received a regular first of the month federal benefit. *Id.*

MDHHS presented a State Online Query (SOLQ) listing Petitioner's SSI information.<sup>3</sup> Exhibit A, pp. 6-9. The SOLQ stated that Petitioner's SSI payment status code was "N01" and that he had not received an SSI payment since September 2021. A payment status code of N01 means benefit ineligibility.<sup>4</sup> The evidence established that Petitioner was ineligible for SSI beginning September 2021.<sup>5</sup>

Petitioner's SSI ineligibility rendered him ineligible to receive SSP benefits. Thus, MDHHS properly terminated Petitioner's SSP eligibility.

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<sup>1</sup> Petitioner requested a hearing by signing the notice of SSP termination and returning it to MDHHS. Petitioner's testimony suggested that he did not realize that he requested a hearing or that he intended to request a hearing with SSA concerning benefit recoupment...

<sup>2</sup> Petitioner is believed to be an unmarried individual in an independent living arrangement. If so, Petitioner would be eligible to receive \$42 of SSP every three months if he receives SSI benefits. RFT 248 (January 2021) p. 1.

<sup>3</sup> MDHHS obtains SOLQs from a data exchange with SSA.

<sup>4</sup> [https://www.ssa.gov/dataexchange/documents/sves\\_solq\\_manual.pdf](https://www.ssa.gov/dataexchange/documents/sves_solq_manual.pdf)

<sup>5</sup> Petitioner repeatedly expressed concern about owing SSI benefits. As repeatedly stated during the hearing, Petitioner's concern should be addressed to the SSA which administers the SSI program.

**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 beginning November 22, 2021. The actions taken by MDHHS are **AFFIRMED**.

CG/mp



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**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

**Email Recipients:**

MDHHS-Wayne-55-Hearings  
C. George  
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**First-Class Mail Recipient:**

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