



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: February 28, 2022
MOAHR Docket No.: 21-006244
Agency No.: ██████████
Petitioner: ██████████ ██████████

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 February 24, 2022, from Lansing, Michigan. The Petitioner was represented by his mother ██████████ ██████████. The Department of Health and Human Services (Department) was represented by Tammy Jackson Hearing Facilitator. Department Exhibit 1, pp. 1-12 was received and admitted.

ISSUE

Did the Department properly determine that Petitioner was no longer eligible for State SSI Payment (SSP) benefit?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On November 22, 2021, Notice of State SSI Payment Change was sent to Petitioner. (Ex. 1, pp. 5-6)
2. On ██████████ ██████████ Petitioner’s mother requested hearing. (Ex. 1, pp. 3-4)
3. Petitioner’s mother credibly testified at hearing that Petitioner has been receiving regular first of the month SSI payments.
4. The Department representative acknowledged that Petitioner has continued receiving regular first of the month SSI payments and could not explain what the “G” code on Petitioner’s SOLQ printout signified.

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.

State SSI Payment

The Michigan Department of Health and Human Services (MDHHS) issues the State SSI Payment (SSP) to SSI recipients in the following living arrangements:

- Independent living.
- Household of another. (Living in the household of another person and receiving partial or total support and maintenance in kind from that person.)

Note: For payment levels see RFT 248 Reference Tables.

Payments are made for only those months the recipient received a regular first of the month federal benefit. These are shown on SOLQ as a **recurring payment dated the first of the month**. BEM 660

In this case, Petitioner's mother credibly testified at hearing that Petitioner has continued to receive regular first of the month SSI payments. The Department representative acknowledged at hearing that Petitioner has been receiving regular first of the month SSI payments. Therefore, Petitioner has remained eligible for SSP benefit and the Department's attempt to stop the benefit was improper and incorrect. BEM 660

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Petitioner's SSP benefit.


DECISION AND ORDER

Accordingly, the Department's decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Petitioner's SSP benefit going back to the date of closure.
2. Issue a supplement for any missed benefit.

AM/nr



Aaron McClintic
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

DHHS

Brenda Buhl
1505 Suncrest Drive
Lapeer, MI 48846

Lapeer County DHHS- via electronic mail

BSC2- via electronic mail

D. Smith- via electronic mail

EQAD- via electronic mail

Authorized Hearing Rep.

[REDACTED] - via first class mail
[REDACTED]
[REDACTED], MI [REDACTED]

Petitioner

[REDACTED] - via first class mail
[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]