



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED], MI [REDACTED]

Date Mailed: April 22, 2022  
MOAHR Docket No.: 22-001076  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun**

### **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 April 14, 2022, from Detroit, Michigan. Petitioner was represented by [REDACTED], her Authorized Hearing Representative (AHR). The Department of Health and Human Services (Department) was represented by Morgen Nelson, Assistance Payments Worker.

### **ISSUE**

Did the Department properly reduce Petitioner's State Supplemental Security Income (SSI) Payment (SSP) program benefits?

### **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 was previously approved for Supplemental Security Income (SSI) through the federal Social Security Administration (SSA).
2. Petitioner was previously an ongoing recipient of SSP program benefits through the Department.
3. On February 21, 2022, the Department sent Petitioner a Notice of State SSI Payment to Change advising her that her quarterly State SSI Payment has been cancelled. The reason for the change was that the SSA notified the Department that Petitioner did not receive a regular first of the month SSI payment for three months. The Notice further advised Petitioner that she must receive the regular

first of the month SSI payment in order to be eligible for a State SSI Payment. (Exhibit A, pp.3-4)

4. On March 14, 2022, Petitioner requested a hearing disputing the closure of Petitioner's SSP case. (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.

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 Social Security Administration (SSA). States are allowed the option to supplement the federal benefit with state funds. In Michigan, SSI benefits include a basic federal benefit and an additional amount paid with state funds. The amount of the state benefit varies by living arrangement. BEM 660 (October 2020), p.1.

The Department issues SSP benefits to SSI recipients in the following living arrangements: Independent living or Household of another (Living in the household of another person and receiving partial or total support and maintenance in kind from that person). SSP payments are issued quarterly and payment levels are determined by RFT 248. BEM 660, pp.1-2; RFT 248 (January 2021), pp. 1-3. Payments are made for only those months the SSI recipient received a regular first of the month federal benefit. These are shown as a recurring payment dated the first of the month on the State Online Query (SOLQ). SSPs are not issued for retroactive or supplemental federal benefits. BEM 660, pp. 1-2. SSP benefits are issued quarterly and are paid the last month of each quarter. The DHS – 430, Notice of State SSI Payment Change is sent to each SSI recipient whose current quarterly SSP payment is less than the previous quarterly state SSP payment. The Notice gives recipients timely notice of any proposed benefit reduction, notifies recipients of their hearing rights, and notifies recipients of the date they will receive their next reduced quarterly check. BEM 660, p.3

At the hearing, the Department testified that it received information from the SSA indicating that Petitioner had not received a recurring SSI payment dated the first of the month. Petitioner's SOLQ was reviewed and shows that although Petitioner was approved for and receiving Retirement Survivors Disability Insurance or Social Security, Petitioner's payment status for her SSI benefits is coded as N-01, Non-pay - Countable Income exceeds Title XVI federal benefit rate. Additionally, Petitioner's last recurring payment dated the first of the month was July 1, 2021, and while she received an

underpayment in the month of December 2021, no recurring payments dated first of the month SSI payments have been made to Petitioner.

Petitioner's AHR did not dispute that Petitioner had not received SSI benefits in the last few months. Petitioner's AHR stated that Petitioner is now only receiving \$217 in Social Security, which is consistent with the information outlined in the SOLQ showing that Petitioner was approved for RSDI of \$387.10 and responsible for Medicare Premiums of \$170. Petitioner's AHR was informed that the undersigned Administrative Law Judge does not have the authority to address Petitioner's eligibility for federal SSI benefits. Petitioner's AHR was instructed to make contact with SSA in order to obtain additional information regarding the termination of Petitioner's federal SSI benefit.

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 because Petitioner was no longer receiving SSI benefits and had not received a regular first of the month SSI payment since July 2021, the Department acted in accordance with Department policy when it terminated Petitioner's SSP benefits.

#### **DECISION AND ORDER**

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

ZB/ml

  
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**Zainab A. Baydoun**  
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

**Electronic Mail Recipients:**

MDHHS-Macomb-20-Hearings  
BSC4  
C. George  
MOAHR

**First Class Mail Recipient, AHR:**

[REDACTED]  
[REDACTED], MI [REDACTED]

**First Class Mail Recipient, Petitioner:**

[REDACTED]  
[REDACTED], MI [REDACTED]