



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: April 18, 2022
MOAHR Docket No.: 22-001159
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On March 7, 2022, Petitioner, ██████████, requested a hearing to dispute the Department's decision to cancel her State SSI Payment (SSP). Following Petitioner's hearing request, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on April 13, 2022. Petitioner appeared at the hearing and represented herself. Respondent, Department of Health and Human Services (Department), had Kimberly Reed, Lead Worker, appear as its representative. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 14-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Whether the Department properly cancelled Petitioner's SSP effective February 21, 2022?

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) from the Social Security Administration (SSA) up to December 2018.
2. After December 2018, Petitioner continued to receive payments from the SSA, but those payments were from Retirement Survivors Disability Insurance (RSDI).
3. While Petitioner was receiving SSI, Petitioner was also receiving SSI-based Medical Assistance and State SSI Payments (SSP).

4. After Petitioner stopped receiving SSI, the Department failed to update Petitioner's case information, and the Department erroneously continued to provide SSI-based Medical Assistance and SSP to Petitioner.
5. The Department subsequently updated Petitioner's case in 2022, and this caused the Department to cancel Petitioner's SSP.
6. On February 21, 2022, the Department mailed a notice of state SSI payment change to Petitioner to notify her that her SSP was going to be cancelled effective February 21, 2022.
7. Petitioner requested a hearing to dispute the Department's decision.

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.

Supplement Security Income (SSI) is a cash benefit to needy persons who are aged (at least 65), blind, or disabled. BEM 660 (October 1, 2021), p. 1. SSI is administered by the Social Security Administration (SSA); the Department does not determine whether an individual is eligible for SSI. In Michigan, SSI payments are supplemented with State SSI Payments (SSP). *Id.* An individual is only eligible for SSP for the months an individual received a regular first of the month SSI payment as shown on the State On-Line Query (SOLQ). BEM 660 (October 1, 2021), p. 1. The SOLQ is an application that allows the Department to access SSA data.

In this case, Petitioner received her last SSI payment in December 2018. Petitioner was no longer eligible for SSP after she stopped receiving SSI. When the Department discovered that Petitioner stopped receiving SSI payments, the Department cancelled Petitioner's SSP. The Department's actions were in accordance with BEM 660.

DECISION AND ORDER

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 did act in accordance with its policies and the applicable law when it cancelled Petitioner's State SSI Payments (SSP) effective February 21, 2022.

IT IS ORDERED the Department's decision is **AFFIRMED**.

JK/mp



Jeffrey Kemm
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-Montcalm-Hearings
C. George
MOAHR
BSC3

First-Class Mail Recipient:

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