



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: August 9, 2022
MOAHR Docket No.: 22-002692
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Linda Jordan

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 on August 8, 2022 via teleconference. Petitioner appeared and represented himself. Valarie Foley, Hearings Facilitator, represented the Michigan Department of Health and Human Services (MDHHS or Department).

ISSUE

Did MDHHS properly terminate Petitioner's State SSI 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. Petitioner was an ongoing recipient of Supplemental Security Income (SSI) and SSP.
2. On May 26, 2022, MDHHS sent Petitioner a Notice of State SSI Payment Change, which indicated that his quarterly SSP payment had been cancelled (Exhibit A, pp. 4-5). The reason for the change was that MDHHS received a notice from the Social Security Administration (SSA) indicating that Petitioner was no longer eligible for SSI (Exhibit A, p. 5).
3. On ██████████, 2022, Petitioner requested a hearing to dispute the cancellation of his SSP payment (Exhibit A, p. 3).

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 Payment (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. Supplemental Security Income (SSI) is a means-tested benefit administered by the Social Security Administration (SSA) that can be received based on age, disability, or blindness. BEM 503 (April 2022), p. 35.

In Michigan, SSI benefits include a basic federal benefit and an additional amount paid with state funds, known as SSP. BEM 660 (October 2021), p. 1. MDHHS issues SSP to SSI recipients in independent living situations or living in the household of another. *Id.* Payments are made only for months in which the recipient received a federal SSI benefit. *Id.* When an SSI recipient experiences a reduction in benefits, MDHHS must send the DHS-430 Notice of State SSI Payment Change, which gives recipients timely notice of any proposed benefit reduction, their hearing rights, and the date they will receive their next quarterly check. *Id.*, p. 3.

In this case, Petitioner requested a hearing to dispute the termination of his SSP. At the hearing, MDHHS testified that it received a notice from SSA that Petitioner's SSI payments had been terminated, effective May 21, 2022. Petitioner confirmed that his SSI payments had recently stopped. Because Petitioner was no longer receiving SSI, MDHHS properly determined that he was ineligible for SSP, because SSP is only available to current SSI recipients. BEM 660, p. 1. MDHHS sent Petitioner a Notice of State SSI Payment Change pursuant to Department policy. BEM 660, p.3.

At the hearing, Petitioner was advised that MDHHS did not have authority over Petitioner's SSI case and that if he wished to dispute the termination of his SSI, he would need to pursue that matter with SSA. SSA provides information regarding appeals on its website (<https://www.ssa.gov/benefits/disability/appeal.html>) or by calling its toll-free number: 1-800-772-1213. The undersigned Administrative Law Judge also provided Petitioner with information for legal services.

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 terminated Petitioner's SSP.

DECISION AND ORDER

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



LJ/tm

Linda Jordan
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

Via-Electronic Mail :

DHHS
Susan Noel
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Interested Parties

L. Karadsheh
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Via-First Class Mail :

Petitioner

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