



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: October 4, 2022
MOAHR Docket No.: 22-003762
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 September 22, 2022, from Detroit, Michigan. Petitioner appeared for the hearing and represented himself. The Department of Health and Human Services (Department) was represented by April Sprague, Hearing Facilitator.

ISSUE

Did the Department properly process 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 benefits through the Department.
3. On May 21, 2022, the Department sent Petitioner a Notice of State SSI Payment Change advising him that his quarterly State SSI Payment has been cancelled. (Exhibit A, pp.9-10)
4. On May 26, 2022, the Department sent Petitioner a Notice of State SSI Payment Change advising him that his quarterly State SSI Payment has been cancelled.

The reason for the change was that the SSA notified the Department that Petitioner was no longer eligible for SSI. (Exhibit A, pp.11-12)

5. On August 20, 2022, the Department sent Petitioner a Notice of State SSI Payment Change advising him that his 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 he must receive the regular first of the month SSI payment in order to be eligible for a State SSI Payment. (Exhibit A, pp.5-6)
6. On [REDACTED], 2022, Petitioner requested a hearing disputing the closure of his SSP case.

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 for the months of May 2022, June 2022, and July 2022. Petitioner's SOLQ was reviewed and showed that during those months, Petitioner's payment status for his SSI benefits was coded as S-06, suspended payment due to an unknown address. Additionally, the Department testified that in September 2022, it received notification that Petitioner's SSI was subsequently approved effective August 1, 2022, and he was reinstated into the SSP program and is supposed to be receiving a supplement.


Petitioner did not dispute that there was an issue with his SSI case which resulted in him not receiving his SSI benefits during certain months. Petitioner was informed that the undersigned Administrative Law Judge does not have the authority to address Petitioner's eligibility for federal SSI benefits. Petitioner was instructed to make contact with SSA in order to obtain additional information regarding the termination or status of his 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, at the time the Notice of SSI Payment Change was issued, Petitioner was no longer receiving SSI benefits and had not received a regular first of the month SSI payment, 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/tm



Zainab A. Baydoun
Administrative Law Judge

