

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

ORLENE HAWKS DIRECTOR



Date Mailed: January 23, 2023 MOAHR Docket No.: 22-005556

Agency No.: Petitioner:

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on January 18, 2023, from Lansing, Michigan. Petitioner was represented by Alberta Represented by Susan Derseweh.

ISSUE

Did the Department of Health and Human Services (Department) properly close Petitioner's State Supplemental Security Income (SSP) 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. The Department notified Petitioner on November 19, 2022, that effective November 19, 2022, her State Supplemental Security Income (SSI) payment had been cancelled.
- On November 28, 2022, the Department received Petitioner's request for a hearing protesting the denial of State Supplemental Security Income (SSP) benefits.

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.

Supplemental Security Income (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). State supplemental payments are made for only those months the recipient received a regular first of the month federal benefit. Department of Health and Human Services Bridges Eligibility Manual (BEM) 660 (October 1, 2021), p 1.

Petitioner was an ongoing recipient of SSP benefits when the Department received notification from the Social Security Administration that she was not receiving SSI benefits. On November 19, 2022, the Department notified Petitioner that she would no longer received the quarterly SSP payment.

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 acted in accordance with Department policy when it closed Petitioner's State Supplemental Security Income (SSP) payments because she is no longer receiving federal Supplemental Security Income (SSI) benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr

Kevin Scully

Administrative Law Judge

Michigan Office of Administrative Hearings and Rules (MOAHR)

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 Derseweh
Genesee County DHHS Clio Rd Dist.
4809 Clio Road
Flint, MI 48504
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Interested Parties

Genesee Clio County DHHS BSC2 D. Smith EQAD MOAHR

Via-First Class Mail:

<u>Petitioner</u>

, MI