



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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

Date Mailed: January 19, 2023
MOAHR Docket No.: 22-005682
Agency No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED] [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 January 11, 2023, from Lansing, Michigan. The Petitioner represented herself. The Department of Health and Human Services (Department) was represented by Angela Clark, AP Supervisor and Heather Morgret. Department Exhibit 1, pp. 1-11 was received and admitted.

ISSUE

Did the Department properly close Petitioner's State SSI Payment (SSP) benefit due to closure of SSI?

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 a recipient of SSP payment based on his receipt of SSI.
2. On November 19, 2022, Notice of State SSI Payment change was sent to Petitioner.
3. On December 9, 2022, Petitioner requested hearing disputing the closure of his SSP benefit.
4. Petitioner acknowledged that she had employment earnings that she reported, and this resulted in her receiving an overissuance that was subjected to recoupment.
5. The Department provided an email correspondence from between a Department Supervisor and someone from the Social Security Administration that reads as follows: "In October she got some extra money RSDI. Because it was issued later

in the month, it caused her to be overpaid for October 2022. She was not due SSI in October 2022 and must repay us \$180.00 for that month.” (Ex. 1, p.11)

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.

State SSI Payment

The Michigan Department of Health and Human Services (MDHHS) issues the State SSI Payment (SSP) to SSI recipients in the following living arrangements:

Independent living.

Household of another. (Living in the household of another person and receiving partial or total support and maintenance in kind from that person.)

For payment levels see RFT 248 Reference Tables.

Payments are made for only those months the recipient received a regular first of the month federal benefit. These are shown on SOLQ as a **recurring payment dated the first of the month**. BEM 660 (October 2021)

In this case, the Department representative credibility testified at hearing that the Department received notification from the social security administration that Petitioner did not receive an SSI payment at the beginning of the month in October 2022. Policy dictates that payments are made for only those months the recipient received a regular first of the month federal benefit. BEM 660 Since Petitioner did not receive a regular first of the month federal benefit it was proper to close his SSP benefit. BEM 660 The email correspondence from the social security worker also confirmed that Petitioner did not receive SSI payment at the beginning of the month in October 2022.


Petitioner testified at hearing that she believed she did receive a full SSI payment in October 2022. When Petitioner was asked how much she received from Social Security and when she received it Petitioner was unable to answer. Petitioner did acknowledge that she had employment earnings within the previous few months that resulted in an overpayment with Social Security that resulted in recoupment. Petitioner presented insufficient proof to establish that she received a full SSI payment in October 2022.

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 SSP benefit because she did not receive her SSI benefit at the beginning of the month in October 2022.

DECISION AND ORDER

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

AM/nr



Aaron McClintic
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
Barbara Hamilton
Lenawee County DHS
1040 South Winter Street
Adrian, MI 49221
**MDHHS-Lenawee-
Hearings@michigan.gov**

Interested Parties
Lenawee County DHHS
BSC4
D. Smith
EQAD
MOAHR

Via-First Class Mail :

Petitioner

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