



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

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

Date Mailed: February 7, 2023  
MOAHR Docket No.: 22-006263  
Agency No.: [REDACTED]  
Petitioner: [REDACTED] [REDACTED]

**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 31, 2023, from Lansing, Michigan. Petitioner represented himself and his mother testified on his behalf. The Department was represented by Kristina Warner.

### **ISSUE**

Did the Department of Health and Human Services (Department) properly close Petitioners' 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. On November 19, 2022, the Department notified Petitioner that his State Supplemental Security Income (SSP) payment had been cancelled.
2. On December 29, 2022, the Department received Petitioner's request for a hearing protesting the closure 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). 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. Payments of SSP benefits 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 SSP recipient when the Department was notified by the Social Security Administration that Petitioner was no longer receiving a regular SSI payment. On November 19, 2022, the Department notified Petitioner that he would no longer receive his quarterly SSP payment from the Department.

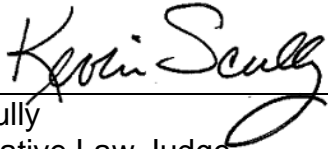
The hearing record supports a finding that Petitioner was not receiving a regular SSI payment on the first day of the month and he was no longer eligible for SSP benefits. Whether Petitioner's available income or resources caused him to be ineligible for SSI benefits is an issue that needs to be taken up with the Social Security Administration since the Department has no control over those actions.

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) benefits.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/nr

  
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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**  
Tamara Little  
Jackson County DHS  
301 E. Louis Glick Hwy.  
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**MDHHS-Jackson-  
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**Interested Parties**  
Jackson County DHHS  
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D. Smith  
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MOAHR

**Via-First Class Mail :**

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[REDACTED], MI [REDACTED]