



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: April 10, 2023
MOAHR Docket No.: 23-001043
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 via telephone conference line on April 6, 2023. Petitioner did not participate. ██████████, Petitioner's mother, testified and participated as Petitioner's authorized hearing representative (AHR). The Michigan Department of Health and Human Services (MDHHS) was represented by Kendra Finch, specialist.

ISSUE

The issue is whether MDHHS properly reduced Petitioner's state-issued Supplemental Security Income 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. As of January 2023, Petitioner was a recipient of federally issued Supplemental Security Income (SSI). Petitioner also received ongoing SSP of \$████ every three months.
2. In February 2023, the Social Security Administration (SSA) issued to Petitioner a late SSI payment.
3. On February 18, 2023, MDHHS sent Petitioner notice of SSP reduction to be effective beginning January through March 2023.
4. On March 1, 2023, Petitioner requested a hearing to dispute the reduction of SSP.

5. In March 2023, MDHHS issued \$█ in SSP to Petitioner for the quarter of January to March 2023.

CONCLUSIONS OF LAW

The State SSI Payments (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. SSP policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner's AHR requested a hearing to dispute a change in her daughter's SSP benefits. Exhibit A, pp. 3-4. A Notice of State SSI Payment Change dated February 18, 2023, stated that Petitioner's SSP eligibility would be reduced due to Petitioner not receiving a regular first of the month SSI payment. *Id.*

It was not disputed that Petitioner was an ongoing recipient of SSI and SSP. It was also not disputed that Petitioner typically received \$█ in SSP every three months until receiving only \$█ for the period of January through March 2023.

SSI is a cash benefit to needy persons who are aged (at least 65), blind or disabled. BEM 660 (January 2017) p. 1. It is a federal program administered by the SSA. *Id.* States are allowed the option to supplement the federal benefit with state funds. *Id.* In Michigan, SSI benefits include a basic federal benefit and an additional amount paid with state funds. *Id.* SSP is paid quarterly, in the last month of the quarter. *Id.* SSP is issued for only those months the recipient received a regular first of the month federal benefit. *Id.* SSI recipients in individual living arrangements are eligible to receive \$14 in monthly SSP.

MDHHS testified that documentation from a data exchange with SAA indicated that Petitioner received SSI in February 2023 on an unspecified date after February 1, 2023. MDHHS's testimony was corroborated by Petitioner's AHR's testimony that some issue with SSA resulted in a late SSI payment for Petitioner in February 2023. Petitioner's AHR further testified that the problem with SSA was corrected, and that Petitioner received SSI on the first of the month beginning March 2023.

The evidence established that Petitioner did not receive a regular first of the month SSI payment for February 2023. The tardy SSI payment, for whatever reason, justified MDHHS to not issue SSP for February 2023. Thus, MDHHS properly reduced Petitioner's SSP for the quarter of January to March 2023 by \$█.¹

¹ During the hearing, Petitioner's AHR repeatedly sought assurance that future SSP would not be reduced. Though the future cannot be predicted, Petitioner's SSP should continue as long as SSA issues regular first of the month SSI payments.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly reduced Petitioner's SSP eligibility to \$█ for the quarter from January to March 2023. The actions of MDHHS are **AFFIRMED**.

CG/mp

Christian Gardocki

Christian Gardocki
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
MDHHS-Macomb-20-Hearings
M. Schaefer
MOAHR
BSC4

Via-First Class Mail :

Petitioner
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