



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: April 13, 2023  
MOAHR Docket No.: 23-001228  
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 April 11, 2023, from Lansing, Michigan. Petitioner was represented by [REDACTED] [REDACTED]. The Department was represented by Tamara Jackson.

### **ISSUE**

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for 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's electronic records of Petitioner's social security benefits show no payment being made in December of 2022, and a \$150 payment being made on January 13, 2023. The January 13, 2023, payment is labeled "Regular daily payment (underpayment)".
2. Petitioner's representative submitted a copy of a bank statement showing a \$150 deposit of SSI benefits dated January 18, 2023.
3. On February 18, 2023, the Department notified Petitioner that his quarterly State SSI payment has been cancelled.
4. On February 27, 2023, 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). 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 recipient of federal SSI benefits, but he did not receive any payment in December of 2022. The hearing record supports a finding that Petitioner did not receive a regular SSI payment on January 1, 2022. The hearing record supports a finding that after January 1, 2023, Petitioner received a payment labeled "Regular daily payment (underpayment)". No evidence was offered on the record showing that Petitioner received a regular first of the month federal SSI benefits in January of 2023. Therefore, Petitioner was not eligible for the state funded SSP payment in January of 2023.


Since he did not receive a regular payment in December or January, the Department notified Petitioner that his SSP payment, which is issued on a quarterly basis, would be cancelled. As Petitioner's eligibility for federal SSI benefits changes, his eligibility for state SSP benefits also changes.

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 denied 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 Jaxkson  
Lapeer County DHHS  
1505 Suncrest Drive  
Lapeer, MI 48846  
**MDHHS-Lapeer-  
Hearings@michigan.gov**

**Interested Parties**

Lapeer County DHHS  
BSC2  
D. Smith  
EQAD  
MOAHR

**Via-First Class Mail :**

**Petitioner**

██████████  
██████████  
██████████, MI ██████████

**Authorized Hearing Rep.**

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