



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: July 11, 2023
MOAHR Docket No.: 23-002223
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 June 12, 2023, from Detroit, Michigan. Petitioner appeared for the hearing with her Authorized Hearing Representative (AHR) [REDACTED]. The Department of Health and Human Services (Department) was represented by Remy Williams, Eligibility Specialist.

ISSUE

Did the Department properly process Petitioner's State Supplement SSI Payment (SSP) and Food Assistance Program (FAP) 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. Petitioner is approved for Supplemental Security Income (SSI) through the federal Social Security Administration (SSA).
2. Petitioner was an ongoing recipient of SSP program benefits through the Department. Petitioner was also an ongoing recipient of FAP benefits.
3. The Department received information from the SSA indicating that Petitioner's SSI benefits were cancelled, and she was no longer eligible for SSI benefits. Petitioner's last SSI payment was issued in January 2023.
4. On or around February 18, 2023, the Department sent Petitioner a Notice of State SSI Payment to Change advising her that her quarterly State SSI Payment has been cancelled. The reason for the change was that the SSA notified the

Department that Petitioner was no longer eligible for SSI and that the last State SSI Payment Petitioner would receive from the Department would be issued on March 14, 2023. (Exhibit A)

5. On or around April 18, 2023, Petitioner requested a hearing disputing the closure of Petitioner's SSP case.
6. Following Petitioner's request for hearing, the Department received information from the SSA indicating that Petitioner's SSI benefits were reinstated. As a result, on or around April 21, 2023, the Department sent Petitioner a notice advising her that she was again eligible for SSP benefits and would receive State SSI Payments beginning June 2023.
7. As of the hearing date, Petitioner's SSI benefits were reinstated and she received retroactive SSI benefits for the months of January 2023 through June 2023.
8. At the hearing, Petitioner also raised concerns regarding her FAP benefits. However, there was no established negative action taken by the Department within the 90 days prior to Petitioner's request for hearing.

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.

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. BEM 660 (October 2021), p.1.

The Department issues SSP benefits to SSI recipients in the following living arrangements: Independent living or Household of another (Living in the household of another person and receiving partial or total support and maintenance in kind from that person). SSP payments are issued quarterly and payment levels are determined by RFT 248. BEM 660, pp.1-2; RFT 248 (January 2021), pp. 1-3. Payments are made for only those months the SSI recipient received a regular first of the month federal benefit. These are shown as a recurring payment dated the first of the month on the State Online Query (SOLQ). SSPs are not issued for retroactive or supplemental federal

benefits. BEM 660, pp. 1-2. SSP benefits are issued quarterly and are paid the last month of each quarter. The DHS – 430, Notice of State SSI Payment Change is sent to each SSI recipient whose current quarterly SSP payment is less than the previous quarterly state SSP payment. The Notice gives recipients timely notice of any proposed benefit reduction, notifies recipients of their hearing rights, and notifies recipients of the date they will receive their next reduced quarterly check. BEM 660, p.3

At the hearing, Petitioner and her AHR did not dispute that Petitioner's SSI benefits were initially terminated and that she did not receive a regular first of the month SSI payment on February 1, 2023. Petitioner testified that her SSI case was closed by the SSA in error and that it was subsequently reinstated with retroactive SSI benefits issued through June 2023. However, the evidence showed that Petitioner was not eligible for SSP for any month in which she did not receive a recurring payment dated first of the month. Additionally, based on the above referenced policy, the Department does not issue SSP benefits for retroactive or supplemental federal benefit months. Therefore, although Petitioner's SSI benefits were reinstated and she received retroactive benefits for the months in which her SSI case had been closed, Petitioner was not eligible for any supplemental or retroactive SSP benefits. The evidence did show that effective June 1, 2023, Petitioner would receive SSP benefits, as that was the first month in which she again received a recurring payment dated first of the month for her SSI.

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 issued the February 18, 2023 Notice of State SSI Payment Change, as Petitioner had not received a recurring SSI payment dated first of the month due to the closure of her SSI case.

FAP

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

BAM 600, pp. 6-7 provides that a request for hearing must be received in the Department local office within 90 days of the date of the written notice of case action. The Michigan Office of Administrative Hearings and Rules (MOAHR) may grant a hearing about a denial of an application and/or supplemental payments; reduction in the amount of program benefits or service; suspension or termination of program benefits or service; restrictions under which benefits or services are provided or delay of any action beyond the standards of promptness. BAM 600, pp. 4-6.

At the hearing, Petitioner also raised concerns with respect to her FAP benefits. Petitioner asserted that she did not receive any FAP benefits for the months of January


2023, February 2023, and March 2023. Petitioner testified that she tried to use her FAP card at the grocery store and did not have any benefits available on her card. The Department maintained that there had been no negative action taken with respect to Petitioner's FAP benefits and that there has been no lapse in Petitioner's FAP issuance. In support of its testimony, the Department thoroughly reviewed an Eligibility Summary and a Benefit Summary Inquiry while on the record during the hearing. According to the information provided by the Department, which detailed the FAP payments issued each month from January 2023 through June 2023, the dates of issuance, as well as any supplemental FAP benefits issued, it was established that there was no lapse in Petitioner's FAP benefits for the time period in dispute. Additionally, the Department reviewed correspondence history and confirmed that there were no negative action notices or Notices of Case Action sent within the relevant time period advising Petitioner of a case closure. Petitioner failed to present any negative action notices sent to her advising of a case closure during the hearing.

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 based on the evidence presented during the hearing, Petitioner has failed to establish that the Department had taken any negative action on her FAP case and has failed to present a hearable issue. As a result, Petitioner's hearing request with respect to FAP is **DISMISSED** for lack of jurisdiction.

DECISION AND ORDER

Accordingly, the Department's SSP decision is **AFFIRMED** and Petitioner's hearing request with respect to FAP is **DISMISSED**.

ZB/ml



Zainab A. Baydoun
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
Richard Latimore
Wayne-Conner-DHHS
4733 Conner
Detroit, MI 48215
MDHHS-Wayne-57-Hearings@michigan.gov

Interested Parties
BSC4
M Holden
D Sweeney
MOAHR

Via First Class Mail:

Authorized Hearing Rep.

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Petitioner

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