



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 28, 2023
MOAHR Docket No.: 23-003185
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Linda Jordan

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 telephonic hearing was held on July 26, 2023. Petitioner appeared and represented himself. Susan Derseweh, Hearings Coordinator, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department).

ISSUE

Did MDHHS properly terminate Petitioner's State SSI 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. Petitioner was an ongoing recipient of Supplemental Security Income (SSI) and SSP.
2. On May 20, 2023, MDHHS sent Petitioner a Notice of State SSI Payment Change indicating that his quarterly SSP payment would be cancelled and the last SSP payment he would receive was scheduled to be issued on June 14, 2023 (Exhibit A, pp. 6-7).
3. On June 6, 2023, Petitioner requested a hearing to dispute the cancellation of his SSP (Exhibit A, pp. 4-5).

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 Payment (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. Supplemental Security Income (SSI) is a means-tested benefit administered by the Social Security Administration (SSA) that can be received based on age, disability, or blindness. BEM 503 (January 2023), p. 35.

In Michigan, SSI benefits include a basic federal benefit and an additional amount paid with state funds, known as SSP. BEM 660 (October 2021), p. 1. MDHHS issues SSP to SSI recipients in independent living situations or living in the household of another. *Id.* Payments are made only for months in which the recipient received a federal SSI benefit. *Id.* When an SSI recipient experiences a reduction in benefits, MDHHS must send the DHS-430 Notice of State SSI Payment Change, which gives recipients timely notice of any proposed benefit reduction, their hearing rights, and the date they will receive their next quarterly check. *Id.*, p. 3.

In this case, Petitioner requested a hearing to dispute the termination of his SSP. MDHHS testified that it received information from SSA that Petitioner's SSI benefits had been terminated, effective June 2023 (Exhibit A, p. 7). Petitioner did not dispute that his SSI payments were recently terminated. Because Petitioner was no longer receiving SSI, MDHHS properly determined that he was ineligible for SSP. SSP is only available to current SSI recipients. BEM 660, p. 1. MDHHS sent Petitioner a Notice of State SSI Payment Change pursuant to policy. BEM 660, p.3.

At the hearing, Petitioner was advised that MDHHS did not have authority over his SSI case and that if he wished to dispute the termination of his SSI, he would need to pursue that matter with SSA.

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 MDHHS acted in accordance with Department policy when it terminated Petitioner's SSP.

DECISION AND ORDER

Accordingly, MDHHS's decision is **AFFIRMED**.



LJ/tm

Linda Jordan
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

Susan Derseweh
Genesee County DHHS Clio Rd Dist.
4809 Clio Road
Flint, MI 48504

**MDHHS-Genesee-Clio-
Hearings@michigan.gov**

Interested Parties

L. Karadsheh
BSC2

Via-First Class Mail :

Petitioner

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