



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: August 9, 2023  
MOAHR Docket No.: 23-003248  
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 July 10, 2023, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Juanita Munoz, Hearing Facilitator.

As a preliminary matter, during the hearing, Petitioner asserted that she had additional documentation, specifically, bank statements that she requested be admitted into the record on her behalf as Exhibit 1. Petitioner was informed that she had until the end of the day on the date of the hearing to submit her additional evidence. There were no additional documents submitted to the undersigned by Petitioner and thus, Exhibit 1 is stricken from the record.

**ISSUE**

Did the Department properly process Petitioner's State Supplement SSI Payment (SSP) program 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 is an ongoing recipient of SSP program benefits through the Department.
3. On an unverified date, the Department received information from the SSA indicating that Petitioner did not receive a regular first of the month SSI payment

for January 2023. Petitioner's SSI returned to recurring first of the month status on February 1, 2023.

4. On May 20, 2023, the Department sent Petitioner a Notice of State SSI Payment to Change (Notice) advising her that her quarterly State SSI Payment has been reduced. The reason for the change was that the SSA notified the Department that Petitioner did not receive a regular first of the month SSI payment for (1,2) months. The Notice further advised Petitioner that she must receive the regular first of the month SSI payment to be eligible for a State SSI Payment and that the reduced payment was scheduled to be issued on June 14, 2023. (Exhibit A, pp. 7-8)
5. On June 8, 2023, Petitioner requested a hearing disputing the Department's actions with respect to her SSP case. (Exhibit A, pp. 4-5)
6. At the hearing, Petitioner asserted that she also disputed the Department's actions with respect to her Food Assistance Program (FAP) case. However, because Petitioner's request for hearing does not make any reference to the FAP, Petitioner was advised that she is required to submit a new hearing request to address any FAP issue.
7. The Department presented an eligibility summary and a benefit summary inquiry showing the SSP payments issued to Petitioner from January 2023 through June 2023. (Exhibit A, pp. 9-10)

### **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

In this case, the Department representative testified that while initially, it received information indicating that Petitioner had not received a regular recurring first of the month SSI payment, the Department was later notified that Petitioner's SSI benefits were just delayed and not cancelled. The Department asserted that Petitioner received a supplement of all SSP benefits that she was eligible to receive from January 2023 through June 2023. In support of its testimony, the Department presented an eligibility summary and a benefit summary inquiry for review. Upon review of the documentary evidence presented by the Department, it was established that on March 10, 2023, Petitioner was issued an ongoing payment of \$14 for the month of January 2023. On April 13, 2023, Petitioner was issued a supplemental SSP of \$28 to cover the months of February 2023 and March 2023. On April 13, 2023, Petitioner was issued a supplemental SSP payment of \$14 for the month of April 2023 and on June 12, 2023, Petitioner was paid \$28 for SSP payments for the months of May 2023 and June 2023. (Exhibit A, pp. 9-11). Petitioner disputed the Department's testimony and asserted that her bank statements do not reflect that SSP payments were issued for all months. Petitioner's testimony was inconsistent as to the months in which she did not receive her SSP benefits. Petitioner was given an opportunity to submit bank statements verifying her testimony; however, Petitioner failed to submit any documentary evidence to dispute that which was presented by the Department.

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 because the evidence established that Petitioner received the correct amount of SSP benefits from January 2023 through June 2023, the Department acted in accordance with Department policy when it processed Petitioner's SSP benefits. Petitioner has failed to establish that any negative action existed as of the hearing date as all benefits were issued.

### **DECISION AND ORDER**

Accordingly, the Department's decision is **AFFIRMED**.

ZB/ml

  
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**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**  
Tracy Felder  
Wayne-Southwest-DHHS  
2524 Clark Street  
Detroit, MI 48209  
**MDHHS-Wayne-41-Hearings@michigan.gov**

**Interested Parties**  
BSC4  
M Schaefer  
MOAHR

**Via First Class Mail:**

**Petitioner**  
[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]