



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

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Date Mailed: August 25, 2023
MOAHR Docket No.: 23-003670
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 27, 2023, from Lansing, Michigan. ██████████ the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Corlette Brown, Hearings Facilitator, and Patricia Woods, Eligibility Specialist.

During the hearing proceeding, the Department's Hearing Summary packet was admitted as exhibit as, pp. 1-9.

ISSUE

Did the Department properly reduce Petitioner's State SSI Payments (SSP) benefit?

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 approved for the SSP benefit, which is issued quarterly. (Exhibit A, pp. 6-9)
2. On May 20, 2023, a Notice of State SSI Payment Change was issued to Petitioner stating the quarterly SSP benefit would be reduced effective May 20, 2023 because the Social Security Administration (SSA) notified the Department that Petitioner did not receive a regular first of the month SSI payment for 1 or 2

months. The reduced payment was scheduled to be issued on June 14, 2023. (Exhibit A, p. 5)

3. On June 22, 2023, Petitioner filed a hearing request contesting the Department's determination. (Exhibit A, pp. 3-4)

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.

For the SSP program, payments are made for only those months the recipient received a regular first of the month federal benefit. These are shown on SOLQ as a recurring payment dated the first of the month. SSPs are not issued for retroactive or supplemental federal benefits. BEM 660, October 1, 2021, p. 1.

In this case, on May 20, 2023, a Notice of State SSI Payment Change was issued to Petitioner stating the quarterly SSP benefit would be reduced effective May 20, 2023 because the Social Security Administration (SSA) notified the Department that Petitioner did not receive a regular first of the month SSI payment for 1 or 2 months. The reduced payment was scheduled to be issued on June 14, 2023. (Exhibit A, p. 5). However, the Department witnesses did not know what month(s) Petitioner did not receive a regular first of the month SSI payment. (Eligibility Specialist Testimony).

Petitioner testified that no regular first of the month SSI payments were missed. Around the time Petitioner moved, there was a letter from SSA saying she was not going to receive SSI anymore. However, this was fixed right away and there was no interruption of the regular first of the month SSI payments. (Petitioner Testimony).

In this case, it appears that the Department may have been notified that Petitioner was expected to not receive a regular first of the month SSI payment by a data exchange from SSA. However, Petitioner's testimony indicated that an issue with SSA was fixed before any regular first of the month SSI payment was missed. As there is no evidence to establish what specific month(s) Petitioner did not receive a regular first of the month SSI payment, the eligibility for the SSP program must be redetermined.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it reduced Petitioner's SSP benefit.

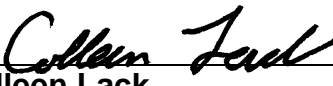
DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine Petitioner's eligibility for the SSP program as of the May 20, 2023 effective date in accordance with Department policy.

CL/ml



Colleen Lack
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

Corlette Brown
Wayne-District 31 (Grandmont)
17455 Grand River
Detroit, MI 48227

MDHHS-Wayne-31-Grandmont-Hearings@Michigan.gov

Interested Parties

BSC4
M Schaefer
MOAHR

Via First Class Mail:

Petitioner

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