



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: November 9, 2023
MOAHR Docket No.: 23-005266
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 October 12, 2023, from Lansing, Michigan. [REDACTED] [REDACTED] the Petitioner, appeared on his own behalf. The Department of Health and Human Services (Department) was represented by Maia Elvine-Fair, Assistance Payments Supervisor, and Wanda Daniel, Assistance Payments Specialist.

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-10. Petitioner's written statement was admitted as Exhibit 1, pp. 1-2.

ISSUE

Did the Department properly determine Petitioner's eligibility for the State SSI Payments (SSP) program?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On August [REDACTED] 2023, a Notice of Case Action was issued to Petitioner stating that the Social Security Administration (SSA) notified the Department that Petitioner did not receive a regular first of the month payment for 1-2 months. Petitioner must receive a regular first of the month payment to be eligible for the SSP payment. The reduced SSP payment was scheduled to be issued on September 18, 2023. (Exhibit A, pp. 9-10)

2. The information provided by SSA indicated Petitioner would not be receiving a regular first of the month payment SSI payment on September 1, 2023 as the eligibility code indicated Petitioner had an overpayment determined by SSA. (Exhibit A, p. 1)
3. On August █ 2023, a Notice of Case Action was issued to Petitioner stating the SSP benefits were approved as of October 1, 2023. (Exhibit A, pp. 6-8)
4. On August 29, 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

On August █ 2023, a Notice of Case Action was issued to Petitioner stating that SSA notified the Department that Petitioner did not receive a regular first of the month payment for 1-2 months. Petitioner must receive a regular first of the month payment to be eligible for the SSP payment. The reduced SSP payment was schedule to be issued on September 18, 2023. (Exhibit A, pp. 9-10). The information provided by SSA indicated Petitioner would not be receiving a regular first of the month payment SSI payment on September 1, 2023 as the eligibility code indicated Petitioner had an overpayment determined by SSA. (Exhibit A, p. 1).

On August █ 2023, a Notice of Case Action was issued to Petitioner stating SSP benefits were approved as of October 1, 2023. (Exhibit A, pp. 6-8). This indicates that the information from SSA indicated regular first of the month SSI payments were expected to resume October 1, 2023.

Petitioner wanted to confirm that no change occurred to his Medicaid case. (Petitioner Testimony). The Department confirmed that there were no changes with Petitioner's Medicaid case. (Department Testimony).

Petitioner explained that around June or July SSA reviewed his case and requested paycheck stubs for the past three years. Petitioner believes that they found a discrepancy of maybe \$100.00-\$150.00. Petitioner might have put in a net pay amount instead of a gross pay one time. Petitioner stated his pay and hours have not changed. However, right after that appointment he was frozen out of the reporting application and could not report his pay to SSA, which would affect two months ahead. Petitioner has since spoken with a manager with SSA and they indicated his benefit amount did not change, just the amount of overpayment he owed had increased. Petitioner acknowledged that he received a reduced payment for September 2023. (Petitioner Testimony).

Accordingly, it appears that Petitioner did not receive a regular first of the month SSI payment for September 2023, which is consistent with the information the Department received from 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 the Department acted in accordance with Department policy when it determined Petitioner's eligibility for the SSP program.

DECISION AND ORDER

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

CL/dm



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
Trista Waishkey
Washtenaw County DHHS
**MDHHS-Washtenaw-
Hearings@michigan.gov**

SchaferM

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MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]