



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

[REDACTED]
MI [REDACTED]

Date Mailed: November 2, 2023
MOAHR Docket No.: 23-005723
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 19, 2023, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Kimberly Polasek FIM. Department Exhibit 1, pp. 1-12 was received and admitted.

ISSUE

Did the Department properly close Petitioner's State SSI Supplement (SSP) benefit and SSI MA because Petitioner was no longer receiving SSI?

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 receiving SSP and Supplemental Security Income Medical Assistance (SSI MA).
2. On August 19, 2023, Notice of State SSI Payment Change was sent to Petitioner informing him that his State SSI Payment was ending because he was not receiving SSI.
3. On September 11, 2023, SSI Terminated Medicaid Coverage Notice was sent to Petitioner informing him that SSI Terminated Medicaid Coverage.

4. On September 11, 2023, Petitioner requested hearing disputing the closure of SSP and change in his MA coverage.

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 Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

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.

State SSI Payment

The Michigan Department of Health and Human Services (MDHHS) issues the State SSI Payment (SSP) to SSI recipients in the following living arrangements:

- Independent living.
- Household of another. (Living in the household of another person and receiving partial or total support and maintenance in kind from that person.)

Note: For payment levels see RFT 248 Reference Tables. 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. BEM 660 (October 2021).

SSI Terminations MA Only

Central office closes SSI MA when a tape match (SDX) indicates SSI benefits are terminated. Bridges sets a redetermination date and continues MA eligibility when SSI stops. Continue the beneficiary's MA coverage until the redetermination is completed. The redetermination does not need to be completed if the beneficiary's SSI is reactivated in a subsequent SDX batch. In most cases this is a local office responsibility; see BEM 150, MA for SSI Recipients. BAM 220.

In this case, Petitioner acknowledged at hearing that his SSI payment stopped. Petitioner testified that he was in the process of disputing the closure of SSI through the Social Security Administration. Policy dictates that if someone is not receiving SSI, then they are not entitled to SSP payment, therefore the Department closure was proper and correct and consistent with Department policy. BEM 660 Policy also dictates that if SSI benefits are terminated that SSI MA is processed for closure. BAM 220 The Department action to close Petitioner's SSI MA was consistent with Department policy.

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 closed Petitioner's SSP benefit and changed Petitioner MA benefit to SSI Terminated Medicaid Coverage.

DECISION AND ORDER

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

AM/ml



Aaron McClintic
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
Kael Meyer
Lake County DHHS
5653 South M-37
Baldwin, MI 49304
MDHHS-Lake-Hearings@michigan.gov

Interested Parties

BSC3
M Schaefer
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Via First Class Mail:

Petitioner

[REDACTED]
MI [REDACTED]