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GOVERNOR

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

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DIRECTOR

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██████████, MI ██████████

Date Mailed: February 29, 2024
MOAHR Docket No.: 23-008820
Agency No.: ██████████
Petitioner: ██████████

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 hearing was held on February 13, 2024, via teleconference. Petitioner appeared with the assistance of an interpreter. Valarie Foley, Hearings Facilitator, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department). MDHHS submitted proposed exhibits prior to the hearing, which were admitted as MDHHS Exhibit A, pp. 1-14 at the hearing.

ISSUE

Did MDHHS properly reduce 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 November 18, 2023, MDHHS sent Petitioner a Notice of State SSI Payment Change indicating that her quarterly SSP would be reduced, effective November 18, 2023, because the Social Security Administration (SSA) notified MDHHS that Petitioner did not receive a regular, first-of-the-month SSI payment for two months

(Exhibit A, p. 6). The notice indicated that the reduced SSP would be issued on December 15, 2023 (Exhibit A, p. 6).

3. On December 1, 2023, Petitioner requested a hearing to dispute the reduction of her SSP (Exhibit A, pp. 3-5).

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.

This case concerns the reduction of Petitioner's SSP. At the hearing, Petitioner credibly testified that there had been no change in her monthly SSI payment and that she had received the payments as usual during the months in question. MDHHS testified that it received information that Petitioner's SSI payment had been reduced from SSA, but could not provide any specifics regarding the reduction, including the amount of the reduction or the reason(s) for the reduction. Without this information, MDHHS has not met its burden of establishing that Petitioner's SSI was reduced. Additionally, given the disputed information, MDHHS should have allowed Petitioner a reasonable opportunity to resolve any discrepancies between her reported information and information from a third-party source, pursuant to BAM 130 (October 2023), p. 9. No evidence was presented that MDHHS allowed Petitioner this opportunity or that it otherwise attempted to verify the information.

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 failed to act in accordance with Department policy when it reduced Petitioner's SSP.

DECISION AND ORDER

Accordingly, the MDHHS' decision is **REVERSED**.

MDHHS 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 SSP from November 18, 2023 ongoing, requesting additional information regarding Petitioner's SSI payment, as necessary;
2. Issue supplemental SSP for any benefits that Petitioner was entitled to receive but did not, from November 18, 2023 ongoing; and
3. Notify Petitioner of its decision in writing.



Linda Jordan
Administrative Law Judge

LJ/tm

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 Noel
Wayne-Inkster-DHHS
26355 Michigan Ave
Inkster, MI 48141
**MDHHS-Wayne-19-
Hearings@michigan.gov**

Interested Parties

L. Karadsheh
BSC4

Via-First Class Mail :

Petitioner

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