



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
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: February 26, 2024  
MOAHR Docket No.: 23-009512  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Christian Gardocki**

### **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 via telephone conference line on February 21, 2024. Petitioner did not participate. [REDACTED] [REDACTED] Petitioner's father, and guardian, testified and participated as Petitioner's authorized hearing representative (AHR).<sup>1</sup> The Michigan Department of Health and Human Services (MDHHS) was represented by Keela Morris, specialist.

### **ISSUE**

The issue is whether MDHHS properly terminated Petitioner's state-issued Supplemental Security Income 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. As of September 2023, Petitioner was a recipient of federally issued Supplemental Security Income (SSI) benefits. Petitioner also received ongoing SSP of \$42 every three months.
2. From October through December 2023, Petitioner received SSI benefits on the first of the month.

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<sup>1</sup> Guardianship was verified by documents presented during the hearing. Exhibit B, pp.1-2.

3. On November 18, 2023, MDHHS cancelled Petitioner's SSP benefits due to Petitioner not receiving a first of the month SSI payment for three months.
4. On December 15, 2023, Petitioner's AHR requested a hearing to dispute the cancellation of SSP.

### **CONCLUSIONS OF LAW**

The State SSI Payments (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. SSP policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner's AHR requested a hearing to dispute a cancellation of his son's SSP benefits. Exhibit A, pp. 4-5. A Notice of State SSI Payment Change dated November 18, 2023 stated that Petitioner's SSP eligibility would be cancelled due to Petitioner not receiving a regular first of the month SSI payment for three months. Exhibit A, pp. 7-8.

It was not disputed that Petitioner was an ongoing recipient of SSI and SSP. It was also not disputed that Petitioner typically received \$42 in SSP every three months through September 2023.

SSI is a cash benefit to needy persons who are aged (at least 65), blind or disabled. BEM 660 (January 2017) p. 1. It is a federal program administered by the SSA. *Id.* States are allowed the option to supplement the federal benefit with state funds. *Id.* In Michigan, SSI benefits include a basic federal benefit and an additional amount paid with state funds. *Id.* SSP is paid quarterly, in the last month of the quarter. *Id.* SSP is issued for only those months the recipient received a regular first of the month federal benefit. *Id.* SSI recipients in individual living arrangements are eligible to receive \$42 per three months. RFT 248 (January 2023) p. 1.

Petitioner's AHR testified that his son received ongoing SSI benefits on the first of the month and does not understand why MDHHS cancelled Petitioner's SSP benefits. The testimony of Petitioner's AHR was credible, but unverified.

An MDHHS specialist testified that she is uncertain of the status of Petitioner's SSI. To check Petitioner's SSI status, an MDHHS specialist obtained a SOLQ: a document obtained in a data exchange with the Social Security Administration. The specialist credibly testified that an SOLQ showed no evidence that Petitioner failed to receive a first of the month payment in October, November, or December 2023.

Given the evidence, MDHHS failed to establish that Petitioner failed to receive a regular first of the month payment from October through December 2023. Accordingly, the cancellation of SSP for the months from October through December 2023 was improper.

**DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly cancelled Petitioner's SSP eligibility beginning October 2023. It is ordered that MDHHS commence the following actions within 10 days of the date of mailing of this decision:

- (1) Reprocess Petitioner's SSP eligibility beginning October 2023 subject to the finding that MDHHS failed to establish that Petitioner did not receive a first of the month SSI payment from October through December 2023; and
- (2) Issue notice and supplements, if any, in accordance with policy.

The actions taken by MDHHS are **REVERSED**.

CG/nr



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**Christian Gardocki**  
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**

Yvonne Hill  
Oakland County DHHS Madison  
Heights Dist.  
30755 Montpelier Drive  
Madison Heights, MI 48071  
**MDHHS-Oakland-DistrictII-  
Hearings@michigan.gov**

**Interested Parties**

Oakland 2 County DHHS  
BSC4  
M. Schaefer  
EQAD  
MOAHR

**Via-First Class Mail :**

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED], MI [REDACTED]

**Authorized Hearing Rep.**

[REDACTED]  
[REDACTED]  
[REDACTED], MI [REDACTED]