



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

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Date Mailed: May 23, 2024
MOAHR Docket No.: 24-002539
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 April 23, 2024, from Lansing, Michigan. █████ █████ the Petitioner, appeared on his own behalf. █████ █████ Mother, appeared as a witness for Petitioner. The Department of Health and Human Services (Department) was represented by Lianne Scupholm, Hearing Facilitator.

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-7.

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 February █████ 2024, a Notice of State SSI Payment Change was issued to Petitioner stating that the Social Security Administration (SSA) notified the Department that Petitioner was no longer eligible for SSI, therefore, his quarterly State SSI payment has been canceled. The last SSP payment was scheduled to be issued on March 15, 2024. (Exhibit A, pp. 3-4)
2. On February 29, 2024, Petitioner filed a hearing request contesting the Department's determination. (Exhibit A, Hearing Request, unnumbered)

3. The information subsequently verified with SSA indicated Petitioner did not receive a regular first of the month SSI payment on March 1, 2024, and would receive a regular first of the month SSI payment on April 1, 2024. A regular payment was issued March 11, 2024 indicating this was related to an underpayment. (Exhibit A, p. 6)
4. On March █ 2024, the Hearing Facilitator called SSA and it was explained that the March 2024 SSI payment was delayed because SSA had needed additional information from Petitioner. SSA confirmed that Petitioner's SSI payments would continue as normal in April 2024. (Exhibit A, pp. 1, Hearing Facilitator Testimony)

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 February █ 2024, a Notice of State SSI Payment Change was issued to Petitioner stating that the SSA notified the Department that Petitioner was no longer eligible for SSI, therefore, his quarterly State SSI payment has been canceled. The last SSP payment was scheduled to be issued on March 15, 2024. (Exhibit A, pp. 3-4). The information subsequently verified with SSA indicated Petitioner did not receive a regular first of the month SSI payment on March 1, 2024, and would receive a regular first of the month SSI payment on April 1, 2024. A regular payment was issued March 11, 2024 indicating this was related to an underpayment. (Exhibit A, p. 6). On March 13, 2024, the Hearing Facilitator called SSA and it was explained that the March 2024 SSI payment was delayed because SSA had needed additional information from Petitioner. SSA confirmed that Petitioner's SSI payments would continue as normal in April 2024. (Exhibit A, pp. 1, Hearing Facilitator Testimony).

Accordingly, it appears that SSA has subsequently determined that Petitioner is eligible for SSI again, however, no regular first of the month payment SSI payment was issued on March 1, 2024. As such, Petitioner is not eligible for SSP benefit for March 2024. The Hearing Facilitator explained that instead of a cancellation of the SSP benefits, Petitioner had a reduction in the quarterly SSP payment issued in March 2024 reflecting that Petitioner was only eligible for the SSP benefit for the months of January and February 2024. (Exhibit A, p. 6; Hearing Facilitator Testimony).

Overall, the evidence indicates that the February ■ 2024 determination to cancel Petitioner's SSP benefits was in accordance with Department policy based on the information available at that time. Further, as the Department has received updated information from SSA, Petitioner's eligibility for the SSP program was redetermined resulting in a reduced quarterly SSP payment. The determination that Petitioner was not eligible for the SSP benefit for the month of March 2024 was in accordance with Department policy because Petitioner did not receive a regular first of the month SSI payment on March 1, 2024.

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
Kristina Etheridge
Calhoun County DHHS
**MDHHS-Calhoun-
Hearings@michigan.gov**

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Via-First Class Mail :

Petitioner
[REDACTED]
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