



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
DIRECTOR

██████████
██████████
██████████ MI ██████████

Date Mailed: June 13, 2024
MOAHR Docket No.: 24-002674
Agency No.: ██████████
Petitioner: ██████████

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 June 6, 2024. Petitioner did not participate. ██████████
██████████ Petitioner's mother, testified and participated as Petitioner's authorized hearing representative (AHR). The Michigan Department of Health and Human Services (MDHHS) was represented by Ofon Ekpo, 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 January 2024, Petitioner received ongoing SSP benefits of \$42 every three months.
2. As of February 2024, Petitioner was a former recipient of Supplemental Security Income (SSI) benefits.
3. As of February 2024, Petitioner received ongoing Retirement, Survivors Disability Insurance (RSDI) from the Social Security Administration (SSA)
4. On February 20, 2024, MDHHS sent Petitioner notice of SSP termination, effective February 2024, due to the termination of Petitioner's SSI eligibility.

5. On March 11, 2024, Petitioner's AHR requested a hearing to dispute the termination of Petitioner's SSP eligibility.

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.

Petitioner's AHR requested a hearing to dispute a termination of Petitioner's SSP benefits. Exhibit A, pp. 3-4. A Notice of State SSI Payment Change dated February 20, 2024, stated that Petitioner was ineligible for SSP due to the end of SSI eligibility. Exhibit A, pp. 7-8.

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. SSP is issued for only those months the recipient received a regular first of the month federal benefit. *Id.*

It was not disputed that Petitioner previously received ongoing SSI benefits from the SSA. It was also not disputed that MDHHS issued to Petitioner SSP of \$42 every three months while Petitioner received SSI benefits. MDHHS testified that as of an unspecified recent date, SSA issued RSDI benefits to Petitioner instead of SSI benefits. RSDI is a federal benefit available to retired and disabled individuals, their dependents, and survivors of deceased workers. BEM 503 (January 2023) p. 29. Petitioner's AHR's testimony eventually acknowledged that Petitioner, as of the SSP termination, was eligible to receive RSDI benefits, but not SSI benefits.

The evidence established that Petitioner was not an SSI recipient as of February 2024. Thus, MDHHS properly terminated Petitioner's SSP eligibility beginning February 2024.¹

¹ The termination notice stated that Petitioner should expect to receive a final SSP in March 2024. Presumably, the final SSP payment was for \$14 to reflect eligibility for January 2024 only: the only month of the SSP benefit period from January through March 2024 for which Petitioner was eligible.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly terminated Petitioner's SSP eligibility beginning February 2024. The actions taken by MDHHS are **AFFIRMED**.

CG/pt



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

Tracy Felder
Wayne-Southwest-DHHS
2524 Clark Street
Detroit, MI 48209

MDHHS-Wayne-41-Hearings@michigan.gov

Interested Parties

BSC4
M Schaefer
MOAHR

Via-First Class Mail:

Petitioner

██████████
████████████████████
██████ MI ██████