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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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DIRECTOR

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██████████, MI ██████████

Date Mailed: July 27, 2022
MOAHR Docket No.: 22-002663
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 July 21, 2022 by teleconference. Petitioner appeared and represented himself. Valarie Foley, Hearings Facilitator, represented the Michigan Department of Health and Human Services (MDHHS or Department).

ISSUE

Did MDHHS properly terminate 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 May 26, 2022, MDHHS sent Petitioner a Notice of State SSI Payment Change indicating that his quarterly SSP payment would be cancelled and the last SSP payment he would receive was scheduled to be issued on ██████████ 2022 (Exhibit A, p. 8).
3. On ██████████, 2022, Petitioner requested a hearing to dispute the cancellation of his SSP payment (Exhibit A, pp. 3-4).

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 (April 2021), 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.

In this case, Petitioner requested a hearing to dispute the termination of his SSP. MDHHS testified that it received information from SSA that Petitioner's SSI benefits had been terminated, effective [REDACTED] 2022. Petitioner confirmed that his SSI payments ended on that date. Because Petitioner was no longer receiving SSI, MDHHS properly determined that he was ineligible for SSP. SSP is only available to current SSI recipients. BEM 660, p. 1. MDHHS sent Petitioner a Notice of State SSI Payment Change pursuant to policy. BEM 660, p.3.

At the hearing, Petitioner was advised that MDHHS did not have authority over Petitioner's SSI case and that if he wished to dispute the termination of his SSI, he would need to pursue that matter with SSA.

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 acted in accordance with Department policy when it terminated Petitioner's SSP.

