



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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Date Mailed: August 9, 2022
MOAHR Docket No.: 22-002808
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 August 4, 2022. Petitioner participated and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Jeremy Enochs, 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 April 2022, Petitioner was a recipient of federally issued Supplemental Security Income (SSI). Petitioner also received ongoing SSP of ██████ every three months.
2. As of May 2022, the Social Security Administration (SSA) stopped Petitioner's SSI payments and eligibility.
3. On May 26, 2022, MDHHS sent Petitioner notice of SSP termination, effective May 21, 2022.
4. On July 1, 2022, Petitioner requested a hearing to dispute the termination 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.

Petitioner requested a hearing to dispute a termination of SSP benefits. Exhibit A, pp. 5-6. A Notice of State SSI Payment Change dated May 26, 2022, stated that Petitioner was ineligible for SSP beginning May 21, 2022, due to SSI ineligibility.

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.*

MDHHS presented a State Online Query (SOLQ) listing Petitioner's SSI information.¹ Exhibit A, pp. 11-13. The SOLQ listed "No payment made" to Petitioner in May 2022 and a payment status code of "N04". A payment status code of N04 indicates SSI ineligibility due to non-excludable resources exceeding Title XVI limits.² The SOLQ was consistent with Petitioner's testimony which acknowledged her SSI eligibility stopped.³

Petitioner's undisputed SSI ineligibility rendered her ineligible for SSP. Thus, MDHHS properly terminated Petitioner's SSP eligibility.

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 May 21, 2022. The actions of MDHHS are **AFFIRMED**.

CG/mp



Christian Gardocki

Administrative Law Judge

¹ An SOLQ is obtained through a data exchange between MDHHS and SSA.

² https://www.ssa.gov/dataexchange/documents/sves_solq_manual.pdf

³ Petitioner also testified that she expects SSI benefits to restart. If they do, MDHHS should reconsider Petitioner's SSP eligibility.

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
MDHHS-Oakland-DistrictII-Hearings
C. George
MOAHR
BSC4

Via-First Class Mail :

Petitioner

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