



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

Date Mailed: October 26, 2022
MOAHR Docket No.: 22-004109
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 October 13, 2022. The Petitioner was represented by his mother [REDACTED]. The Department of Health and Human Services (Department) was represented by A.J. Evans, Assistance Payments Supervisor (APS).

ISSUE

Did the Department properly determine that the Petitioner was not eligible for the State of Michigan State Supplemental Income (SSI) payment?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Petitioner was a recipient of SSI because he was receiving a regular Social Security (SS) check.
2. On August 20, 2022, the Department Caseworker sent the Petitioner a Notice of State SSI Payment Change, DHS 430, stating that his quarterly State SSI Payment has been cancelled due to the Petitioner no longer being eligible for Social Security Income. Department Exhibit 1, pgs. 4-5.
3. On August 31, 2022, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605, that he was eligible for SSI from September 1, 2022, ongoing. Department Exhibit 1, pgs. 6-8.
4. On September 19, 2022, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

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.

In this case, the Petitioner was a recipient of SSI because he was receiving a regular Social Security (SS) check. On August 20, 2022, the Department Caseworker sent the Petitioner a Notice of State SSI Payment Change, DHS 430, stating that his quarterly State SSI Payment has been cancelled due to the Petitioner no longer being eligible for Social Security Income. Department Exhibit 1, pgs. 4-5. On August 31, 2022, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605, that he was eligible for SSI from September 1, 2022, ongoing. Department Exhibit 1, pgs. 6-8. On September 19, 2022, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

During the hearing, the APS stated, and it was reflected in the hearing summary that the Petitioner did not get a payment for April 2022 due to the estimated income from his father per contact with federal SSI coordinator, but he was now approved ongoing for September 2022.

After a review of the record and the hearing, this Administrative Law Judge could not tell what payments were missed. The Department usually submits a State Online Query (SOLQ) that shows the federal SSI payments to show that a regular payment was not made then the Department submits a BRIDGES report showing the payments made by the state SSI program. There is a note that the Petitioner did not receive the April 2022 payment due to the father's income.

The record was left open for the Department to submit written verification of the federal SSI payment record and the subsequent BRIDGES payments or lack thereof. The APS sent an email stating that the Petitioner was only eligible for a payment of \$28 for a payment of July 2022 and August 2022, but the letter dated August 20, 2022, stated that the payment was cancelled, and the Petitioner was no longer eligible for the state SSI payment, then another letter dated August 31, 2022, stating that for September 2022 ongoing that the Petitioner was eligible.

The burden is on the Department to show that they are following Department policy. The hearing packet requires a written verification showing that the Petitioner did not receive a regular federal SSI payment as required by Department policy. Social Security numbers can be blocked out for security reasons. In addition, a BRIDGES

print out showing state SSI payment history is required to make determination if the Department properly determined state SSI eligibility.

DECISION AND ORDER

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it determined that the Petitioner was not eligible for the state SSI payment.

Accordingly, the Department's decision **REVERSED**.

The Department is ordered to begin doing the following, in accordance with department policy and consistent with this hearing decision, within 10 days of the date of mailing of this decision and order of initiating a redetermination of the Petitioner's eligibility for state SSI based on August 2022 forward.

Based on policy, the Department should provide the Petitioner with written notification of the Department's revised eligibility determination and issue the Petitioner any retroactive benefits he may be eligible to receive, if any.

CF/cc



Carmen G. Fahie

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 :

Interested Parties

MDHHS-Lenawee-Hearings
BSC4-HearingDecisions
C. George
MOAHR

Via-First Class Mail :

Petitioner

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