



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: October 20, 2022  
MOAHR Docket No.: 22-004140  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE: Ellen McLemore**

**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 19, 2022, from Detroit, Michigan. Petitioner was present with his wife/Authorized Hearing Representative (AHR), ██████████. The Department of Health and Human Services (Department) was represented by Candice Bennis, Hearing Facilitator.

**ISSUE**

Did the Department properly determine Petitioner's State SSI Payment (SSP) benefit eligibility?

**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 SSP benefit recipient in the amount of ██████████ per quarter.
2. Petitioner receives unearned income in the form of Supplemental Security Income (SSI) benefits.
3. Petitioner is married and his wife is eligible for Retirement, Survivors and Disability Insurance (RSDI) benefits.

4. On [REDACTED] 2022, Petitioner submitted a request for hearing disputing the Department's actions.

### **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.

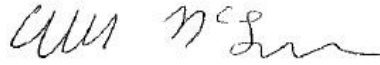
In this case, Petitioner was an ongoing SSP benefit recipient. Petitioner's quarterly SSP benefit amount was reduced by \$[REDACTED] (Exhibit A, pp. 6-11). The Department testified that it received notification from the Social Security Administration (SSA) that Petitioner's SSP benefit amount was reduced because his spouse is eligible for social security benefits.

SSI benefits are a cash benefit issued to needy persons who are aged (at least 65), blind or disabled. BEM 660 (October 2021), p. 1. The SSA issues the federal benefit to all SSI recipients. BEM 660, p. 1. SSP benefits are issued by the Department to SSI recipients who live independently or live in the household of another. BEM 660, p. 1. Mandatory SSI recipients are those clients who were receiving benefits under the state administered aged, blind and disabled programs that were taken over by the federally administered SSI program in 1974. BEM 660, pp. 2-3. In order to ensure a continuity in the SSI income level of these recipients, the SSA uses a separate, complex formula to determine the amount of the state supplement. BEM 660, p. 2-3. Therefore, the Department has left the administration of mandatory supplements for all living arrangements as a federal responsibility. BEM 660, pp. 2-3. Some of the recipients receiving mandatory supplements in independent living or household of another living arrangements receive less than the State SSI Payment. BEM 660, pp. 2-3.

Per policy, the SSA determines the amount of Department issued SSP benefits. The Department provided credible testimony that it was notified by the SSA that Petitioner was eligible for SSP benefits in the amount of [REDACTED] per quarter. Thus, the Department acted in accordance with policy when it determined Petitioner's SSP benefit amount.

**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 acted in accordance with Department policy when it determined Petitioner's SSP benefit eligibility. Accordingly, the Department's decision is **AFFIRMED**.



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**Ellen McLemore**  
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**

L. Karadsheh  
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**Via-First Class Mail :**

**Petitioner**

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