



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

████████████████████  
████████████████████  
██████████, MI ██████████

Date Mailed: January 19, 2023  
MOAHR Docket No.: 22-005755  
Agency No.: ██████████  
Petitioner: ██████████ ██████████

**ADMINISTRATIVE LAW JUDGE:** Aaron McClintic

**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 January 11, 2023, from Lansing, Michigan. The Petitioner was represented by his mother ██████████ ██████████ who appeared and testified. The Department of Health and Human Services (Department) was represented by Brad Reno, Hearing Facilitator. Department Exhibit 1, pp. 1-9 was received and admitted.

**ISSUE**

Did the Department properly close Petitioner's State SSI Payment (SSP) benefit due to closure of SSI?

**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 a recipient of SSP payment based on his receipt of SSI.
2. On November 19, 2022, Notice of State SSI Payment change was sent to Petitioner.
3. On December 2, 2022, Petitioner requested hearing disputing the closure of his SSP benefit.
4. Petitioner did not dispute that he did not receive SSI in November 2022.

**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.

### **State SSI Payment**

The Michigan Department of Health and Human Services (MDHHS) issues the State SSI Payment (SSP) to SSI recipients in the following living arrangements:

Independent living.

Household of another. (Living in the household of another person and receiving partial or total support and maintenance in kind from that person.)

For payment levels see RFT 248 Reference Tables.

Payments are made for only those months the recipient received a regular first of the month federal benefit. These are shown on SOLQ as a **recurring payment dated the first of the month**. BEM 660 (October 2021)

In this case, the Department representative credibility testified at hearing that the Department received notification from the social security administration that Petitioner was no longer receiving SSI. Policy dictates that payments are made for only those months the recipient received a regular first of the month federal benefit. BEM 660 Since Petitioner did not receive a regular first of the month federal benefit it was proper to close his SSP benefit. BEM 660


Petitioner's representative did not dispute that her son's SSI benefit closed. Petitioner's representative testified at hearing that she was disputing the closure of SSI. It was explained that if that appeal through the Social Security Administration was successful and Petitioner's SSI benefit was reinstated then Petitioner would have the opportunity to seek SSP benefit going forward.

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 closed Petitioner's SSP benefit because his SSI benefit closed.

**DECISION AND ORDER**

Accordingly, the Department's decision is **AFFIRMED**.

AM/nr

  
\_\_\_\_\_  
Aaron McClintic  
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**

Janice Collins  
Genesee County DHHS Union St  
District Office  
125 E. Union St 7th Floor  
Flint, MI 48502

**MDHHS-Genesee-UnionSt-  
Hearings@michigan.gov**

**Interested Parties**

Genesee Union St. County DHHS  
BSC2  
D. Smith  
EQAD  
MOAHR

**Via-First Class Mail :**

**Authorized Hearing Rep.**

██████████  
██████████  
██████████, MI ██████████

**Petitioner**

██████████  
██████████  
██████████, MI ██████████