



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: March 10, 2023
MOAHR Docket No.: 23-000594
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 March 8, 2023. Petitioner participated and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Aqueelah Abdullah, supervisor, and Kristine Woolsey, 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 October 2022, Petitioner was a recipient of federally issued Supplemental Security Income (SSI). Petitioner also received ongoing SSP of \$████ every three months.
2. Beginning November 2022, the Social Security Administration (SSA) stopped Petitioner's SSI payments.
3. On November 19, 2022, MDHHS sent Petitioner notice of SSP termination to be effective November 2022.
4. On January 30, 2023, 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.¹ Exhibit A, pp. 3-4. A Notice of State SSI Payment Change dated November 19, 2022, stated that Petitioner was ineligible for SSP beginning November 2022 due to SSI ineligibility. Exhibit A, pp. 7-8.

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 testified that documentation from a data exchange with the Social Security Administration indicated that Petitioner's federal-issued SSI benefits stopped beginning November 2022. MDHHS's testimony was consistent with Petitioner's testimony acknowledging that he last received a federal-issued SSI payment in October 2022.

The evidence established that Petitioner's federal-issued SSI benefits stopped beginning November 2022. The stoppage in federal-issued SSI benefits justified the stoppage in 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 November 2022. The actions of MDHHS are **AFFIRMED**.

CG/mp



Christian Gardocki

Administrative Law Judge

¹ Petitioner testified he thought he was disputing a termination of federal-issued SSI benefits. As explained during the hearing, Petitioner must contact the Social Security Administration to dispute his eligibility for the monthly SSI benefits.

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-District-IV-Hearings
M. Schaefer
MOAHR
BSC4

Via-First Class Mail :

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