



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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

Date Mailed: April 7, 2023
MOAHR Docket No.: 23-001018
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 April 5, 2023, via conference line. Petitioner was present and was unrepresented. The Department of Health and Human Services (Department) was represented by Nakeya Glover, Eligibility Specialist and Olivette Gordon, Family Independence Manager.

ISSUE

Did the Department properly close Petitioner's State SSI Payment (SSP) benefit case?

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.
2. On February 18, 2023, the Department sent Petitioner a Notice of State SSI Payment Change informing her that effective February 18, 2023, her SSP benefits were cancelled. The notice indicated Petitioner was no longer eligible for Supplemental Security Income (SSI) benefits.
3. On February 27, 2023, Petitioner requested a 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 submitted a request or hearing disputing the Department's decision to close her SSP benefit case. On February 18, 2023, the Department sent Petitioner a notice informing her that her SSP benefits had been cancelled.

SSP is a quarterly payment paid by the State to eligible SSI recipients the last month of each quarter. BEM 660 (January 2017), pp. 1-2. SSP payments are made for only those months the SSI recipient received a regular first of the month federal benefit. BEM 660, p. 1; BAM 600 (October 2015), pp. 29-30. Department policy specifies that these SSI payments are shown on the client's Single Online Query (SOLQ) report as a "recurring payment dated the first of the month." BEM 660, p. 1. Policy further provides that SSPs are not issued for retroactive or supplemental federal benefits. BEM 660, p. 1.

At the hearing, Petitioner stated she is still receiving SSI benefits. The Department reviewed Petitioner's State On-Line Query (SOLQ) showing Petitioner is still receiving SSI benefits. Petitioner received a payment in March 2023, and is due to receive payment in May 2023. As Petitioner is still eligible for SSI benefits, the Department failed to establish that it acted in accordance with policy when it closed Petitioner' SSP benefit case.

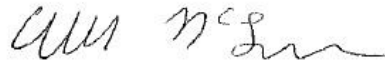
DECISION AND ORDER

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 closed Petitioner's SSP benefit case.

Accordingly, the Department's decision is **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:

1. Redetermine Petitioner's SSP benefit eligibility;
2. If Petitioner is eligible for SSP benefits, issue supplements in accordance with Department policy; and
3. Notify Petitioner of its decision in writing.



EM/tm

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
Richard Latimore
Wayne-Conner-DHHS
4733 Conner
Detroit, MI 48215
**MDHHS-Wayne-57-
Hearings@michigan.gov**

Interested Parties

L. Karadsheh
BSC4

Via-First Class Mail :

Petitioner

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