



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: April 17, 2023
MOAHR Docket No.: 23-001129
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle Nuccio

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. The Petitioner appeared and was represented by Authorized Hearing Representative (AHR) Marina Bilopolska. The Department of Health and Human Services (MDHHS) was represented by Kathleen Hopper, Assistant Payments Supervisor.

ISSUE

Did MDHHS properly cancel Petitioner's State Supplemental Security Income Payments (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. Petitioner is a recipient of Supplemental Security Income (SSI). Petitioner received SSI in January and February 2023 (Exhibit A, pp. 5-11).
2. On November 22, 2021, MDHHS issued a Notice of State SSI Payment change informing Petitioner that his quarterly SSP is cancelled because the Social Security Administration (SSA) informed MDHHS that Petitioner did not receive a regular first of the month SSI payment for 3 months and therefore is no longer eligible to receive SSP (Exhibit A, pp. 12-13).
3. On February 27, 2023, MDHHS received a timely submitted hearing request from Petitioner disputing the cancellation of his SSP benefits (Exhibit A, pp. 3-11).

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 requested a hearing regarding the cancellation of his SSP. On March 3, 2023, MDHHS issued a Notice of Case Action to Petitioner, informing him that his SSP benefits are reinstated, effective April 1, 2023 (see Exhibit A, pp. 14-16).

SSI is a cash benefit to needy persons who are aged (at least 65), blind or disabled. It is a federal program administered by the SSA. States are allowed the option to supplement the federal benefit with state funds. In Michigan, SSI benefits include a basic federal benefit and an additional amount paid with state funds. MDHHS issues this SSP to SSI recipients. Payments are made for only those months the recipient received a regular first of the month federal benefit. BEM 660 (October 2021), pp. 1-2.

In this case, MDHHS cancelled Petitioner's SSP benefits, stating that he did not receive regular first of the month SSI payments for 3 months, effective February 18, 2023. Petitioner provided evidence from SSA stating that he did receive SSI in January 2023 and February 2023. MDHHS did not present any evidence that Petitioner did not receive SSI for 3 months. Therefore, MDHHS failed to satisfy its burden that they acted in accordance with policy in cancelling Petitioner's SSP.

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 MDHHS failed to satisfy its burden that it acted in accordance with Department policy when it stopped issuing SSP to Petitioner.

DECISION AND ORDER

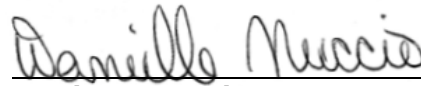
Accordingly, MDHHS' decision is **REVERSED**.

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. Reevaluate Petitioner's SSP case as of February 18, 2023;

2. If Petitioner is eligible for SSP benefits, issue supplements to Petitioner for any SSP benefits he was eligible to receive but did not from February 18, 2023 ongoing;
3. Notify Petitioner of its decision in writing.

DN/mp



Danielle Nuccio
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
MDHHS-Oakland-District-IV-Hearings
M. Schaefer
MOAHR
BSC4

Via-First Class Mail :

Petitioner

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

Authorized Hearing Rep.

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