



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: May 28, 2024
MOAHR Docket No.: 24-002862
Agency No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED]

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 25, 2024, from Lansing, Michigan. The Petitioner was represented by [REDACTED] son, and Authorized Hearing Representative (AHR). Melida Delacruz, the Petitioner, was present. The Department of Health and Human Services (Department) was represented by Jennifer Richard, Supervisor. George, Interpreter number 9989, provided interpretations services during the hearing proceeding.

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-7.

ISSUE

Did the Department properly determine Petitioner's eligibility for the State SSI Payments (SSP) program?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On February [REDACTED] 2024, a Notice of State SSI Payment Change was issued to Petitioner stating that the Social Security Administration (SSA) notified the Department that Petitioner was no longer eligible for SSI, therefore, her quarterly State SSI payment has been canceled. (Exhibit A, p. 1)
2. On March [REDACTED] 2024, Petitioner filed a hearing request contesting the Department's determination. (Exhibit A, pp. 4-5)

3. The information subsequently verified with SSA indicated Petitioner's SSI stopped in January 2024 and started back up in March 2024. Accordingly, Petitioner was again eligible for the SSP program, and a \$[REDACTED] payment was issued on March 12, 2024. (Supervisor Testimony)

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.

For the SSP program, 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. SSPs are not issued for retroactive or supplemental federal benefits. BEM 660, October 1, 2021, p. 1

On February [REDACTED] 2024, a Notice of State SSI Payment Change was issued to Petitioner stating that the Social Security Administration (SSA) notified the Department that Petitioner was no longer eligible for SSI, therefore, her quarterly State SSI payment has been canceled. (Exhibit A, p. 1). The information subsequently verified with SSA indicated Petitioner's SSI stopped in January 2024 and started back up in March 2024. Accordingly, Petitioner was again eligible for the SSP program, and a \$[REDACTED] payment was issued on March [REDACTED] 2024. (Supervisor Testimony).

Accordingly, it appears that SSA initially closed Petitioner's SSI benefit case and no further regular first of the month payments would be issued. (Exhibit A, pp. 1 and 6; Supervisor Testimony). Therefore, the determination to close Petitioner's SSP benefit case was appropriate at the time of the February [REDACTED] 2024 Notice of Case Action.

However, SSA subsequently determined that Petitioner is eligible for SSI again, and a regular first of the month payment SSI payment was issued on March 1, 2024. As such, Petitioner is eligible for SSP benefits as of March 2024 and a \$[REDACTED] payment was issued on March [REDACTED] 2024. (Supervisor Testimony).

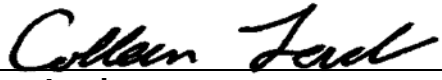
Overall, the evidence indicates that the February [REDACTED] 2024 determination to cancel Petitioner's SSP benefits was in accordance with Department policy based on the information available at that time. Further, when the Department has received updated information from SSA, Petitioner's eligibility for the SSP program was redetermined.

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 eligibility for the SSP program.

DECISION AND ORDER

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

CL/dm



Colleen Lack
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
Kimberly Kornoelje
Kent County DHHS
MDHHS-Kent-
Hearings@michigan.gov

SchaeferM

BSC3HearingDecisions

MOAHR

Via-First Class Mail :

Authorized Hearing Rep.

[REDACTED]
[REDACTED]
[REDACTED]

Petitioner

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[REDACTED]
[REDACTED]