



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

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Date Mailed: September 10, 2024
MOAHR Docket No.: 24-006992
Agency No.: ██████████
Petitioner: ██████ ██████

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 August 8, 2024, from Lansing, Michigan. ██████ ██████ the Petitioner, appeared on his own behalf. The Department of Health and Human Services (Department) was represented by Kaylie Polk, Eligibility Specialist (ES).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-11.

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 May ██████ 2024, a Notice of State SSI Payment Change was issued to Petitioner stating that the Social Security Administration (SSA) notified the Department that Petitioner did not receive a regular first of the month Supplemental Security Income (SSI) payment for (1,2) months, therefore, his quarterly State SSI payment has been reduced. The reduced payment was scheduled for June 14, 2024. (Exhibit A, p. 5)
2. On June 4, 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 did not receive a regular first of the month SSI payment on November 1, 2023 and February 1, 2024. (Exhibit A, pp. 2 and 9)

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.

SSP benefits are issued quarterly. These benefits are paid the last month of each quarter. The yearly quarters are: January through March; April through June; July through September; and October through December. BEM 660, October 1, 2021, p. 2.

Regarding recoupment for SSP benefits, the Department is to follow Benefit Overissuance policy in BAM 700. BEM 660 policy notes that the State SSI Payment program cannot be entered onto the Automated Recoupment System. If recoupment is indicated, the Department is to follow local office accounting procedures for manual recoupments. BEM 660, October 1, 2021, p. 2. The BAM 700 policy does not appear to specifically address overissuances for SSP benefits. BEM 700, October 1, 2018, pp. 1-16. The Department did not provide documentation of any local office accounting procedures for manual recoupments.

On May █ 2024, a Notice of State SSI Payment Change was issued to Petitioner stating that the Social Security Administration (SSA) notified the Department that Petitioner did not receive a regular first of the month Supplemental Security Income (SSI) payment for (1,2) months, therefore, his quarterly State SSI payment has been reduced. The reduced payment was scheduled for June 14, 2024. (Exhibit A, p. 5). The Department noted that the information subsequently verified with SSA indicated Petitioner did not receive a regular first of the month SSI payment on November 1, 2023 and February 1, 2024. (Exhibit A, pp. 2 and 9).

However, as Petitioner noted, pursuant to the BEM 660, policy, the June 2024 payment should have been for the months of April 2024, May 2024, and June 2024. Petitioner asserted that he received regular first of the month SSI payments for these months. (Petitioner Testimony). The BEM 660 policy does not appear to allow the Department to reduce an upcoming SSP payment based on an individual having not received a regular first of the month SSI payment from prior quarter(s).

However, the copy of the June ■ 2024 SOLQ report included in the Department's evidence packet does not show whether any regular SSI payments were made in April 2024, May 2024, or June 2024. Rather the most recent SSI payment information included on this report was a March 1, 2024 recurring payment dated the first of the month. (Exhibit A, p. 10). Therefore, the evidence does not establish whether Petitioner was eligible for the SSP for April 2024, May 2024, or June 2024.

Overall, the evidence does not establish that the reduced SSP payment scheduled to be issued on June 14, 2024 was in accordance with Department policy.

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 determined Petitioner's eligibility for the SSP program.

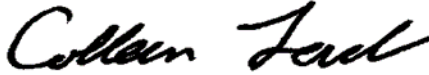
DECISION AND ORDER

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 eligibility for the SSP program as of April 2024 (the first month of the quarter that corresponds to the June ■ 2024 SSP payment) in accordance with Department policy.

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
Kim Cates
Bay County DHHS
**MDHHS-Bay-
Hearings@michigan.gov**

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Via-First Class Mail :

Petitioner

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