



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
DIRECTOR

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Date Mailed: September 23, 2024
MOAHR Docket No.: 24-007902
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Linda Jordan

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 on August 27, 2024, via teleconference. Petitioner appeared and represented himself. Caleb Nygren, Hearings Facilitator, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department). MDHHS' Hearing Packet was admitted into evidence at the hearing as MDHHS Exhibit A, pp. 1-9.

ISSUE

Did MDHHS properly reduce Petitioner's State SSI 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. Petitioner was an ongoing recipient of Supplemental Security Income (SSI) and SSP.
2. Effective ██████████ 2024, Petitioner's SSI payment decreased from \$██████████ to \$██████████, which included the SSP (Exhibit A, p. 1).
3. On May 20, 2024, MDHHS sent Petitioner a Notice of State SSI Payment Change indicating that his quarterly SSP would be cancelled because SSA notified MDHHS that Petitioner did not receive a regular, first-of-the-month SSI payment for three months (Exhibit A, pp. 5-6).
4. On June 26, 2024, Petitioner requested a hearing to dispute the termination of SSP (Exhibit A, p. 6).

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 Payment (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. Supplemental Security Income (SSI) is a means-tested benefit administered by the Social Security Administration (SSA) that can be received based on age, disability, or blindness. BEM 503 (April 2024), p. 35.

In Michigan, SSI benefits include a basic federal benefit, and an additional amount paid with state funds, known as SSP. BEM 660 (October 2021), p. 1. MDHHS issues SSP to SSI recipients in independent living situations or living in the household of another. *Id.* Payments are made only for months in which the recipient received a federal SSI benefit. *Id.* When an SSI recipient experiences a reduction in benefits, MDHHS must send the DHS-430 Notice of State SSI Payment Change, which gives recipients timely notice of any proposed benefit reduction, their hearing rights, and the date they will receive their next quarterly check. *Id.*, p. 3.

In this case, MDHHS testified at the hearing that Petitioner's SSP was reduced rather than terminated, contrary to the notice that it sent. The reduction in SSP was caused by a substantial reduction in Petitioner's SSI monthly payment. MDHHS confirmed with SSA that Petitioner's SSI payment was reduced from \$█████ per month based on an independent living situation, to \$█████ per month based on residing in an institution, effective March 1, 2024. Petitioner confirmed that this information was correct. He testified that his SSI was reduced and that he was residing in a nursing home.

Accordingly, the record shows that the reduction in SSP was proper because the SSI payment level is \$█████ for individuals living in an institutional setting. RFT 248 (January 2024). This payment includes the state-funding benefit. Petitioner is advised that the Michigan Office of Administrative Hearings and Rules (MOAHR) does not have authority over Petitioner's SSI case and that if he wishes to dispute the SSI reduction, he will need to pursue that matter with SSA.

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 acted in accordance with Department policy when it reduced Petitioner's SSP.

DECISION AND ORDER

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

LJ/pt


Linda Jordan
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

Janice Collins
Genesee County DHHS Union St District Office
125 E. Union St 7th Floor
Flint, MI 48502

MDHHS-Genesee-UnionSt-Hearings@michigan.gov

Interested Parties

M Schaefer
MOAHR

Via-First Class Mail:

Petitioner

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