



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] MI [REDACTED]

Date Mailed: September 26, 2024
MOAHR Docket No.: 24-008632
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 September 5, 2024, from Detroit, Michigan. Petitioner appeared for the hearing with her Authorized Hearing Representative (AHR) [REDACTED]. The Department of Health and Human Services (Department) was represented by Eileen Kott, Family Independence Manager and Arnesia Woods, Eligibility Specialist.

ISSUE

Did the Department properly terminate Petitioner's State Supplement SSI Payment (SSP) program benefits?

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 previously approved for Supplemental Security Income (SSI) through the federal Social Security Administration (SSA).
2. Petitioner was previously an ongoing recipient of SSP benefits through the Department.
3. On May 20, 2024, the Department sent Petitioner a Notice of State SSI Payment to Change advising her that her quarterly SSP has been cancelled. The reason for the change was that the SSA notified the Department that Petitioner did not receive a regular first of the month SSI payment for three months. The Notice further advised Petitioner that she must receive the regular first of the month SSI payment in order to be eligible for a State SSI Payment. (Exhibit A, pp.5-6)

4. On or around July 25, 2024, Petitioner requested a hearing disputing the closure of her SSP case.

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.

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 Social Security Administration (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. The amount of the state benefit varies by living arrangement. BEM 660 (October 2021), p.1.

The Department issues SSP benefits to SSI recipients in the following living arrangements: Independent living or Household of another (Living in the household of another person and receiving partial or total support and maintenance in kind from that person). SSP payments are issued quarterly and payment levels are determined by RFT 248. BEM 660, pp.1-2; RFT 248 (January 2021), pp. 1-3. Payments are made for only those months the SSI recipient received a regular first of the month federal benefit. These are shown as a recurring payment dated the first of the month on the State Online Query (SOLQ). SSPs are not issued for retroactive or supplemental federal benefits. BEM 660, pp. 1-2. SSP benefits are issued quarterly and are paid the last month of each quarter. The DHS – 430, Notice of State SSI Payment Change is sent to each SSI recipient whose current quarterly SSP payment is less than the previous quarterly state SSP payment. The Notice gives recipients timely notice of any proposed benefit reduction, notifies recipients of their hearing rights, and notifies recipients of the date they will receive their next reduced quarterly check. BEM 660, p.3

Petitioner requested a hearing disputing the information in the May 20, 2024, Notice, and the Department's termination of her State SSI Payment. The Department testified that it received information from the SSA indicating that Petitioner is no longer eligible for SSI benefits and that Petitioner's SSI benefits have been suspended. During the hearing, the Department reviewed Petitioner's SOLQ and testified that it shows Petitioner's payment status is coded as S-06, Suspended, client address unknown. The SOLQ further showed that Petitioner had not received any SSI payments after April 2024.

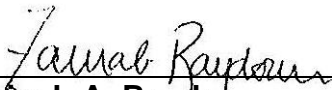
Petitioner's AHR did not present any evidence to dispute that Petitioner's SSI benefits have been suspended or that Petitioner had not been receiving any SSI benefits. Petitioner's AHR asserted that she is not the payee assigned to assist Petitioner with her SSI case and benefits and could not provide any details as to Petitioner's SSI benefits. Petitioner's AHR was informed that the undersigned Administrative Law Judge does not have the authority to address Petitioner's eligibility for federal SSI benefits. Petitioner was instructed to make contact with SSA in order to obtain additional information regarding the suspension of Petitioner's federal SSI benefit.

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 because Petitioner was no longer receiving SSI benefits, the Department acted in accordance with Department policy when it terminated Petitioner's SSP benefits, because, for at least three months, Petitioner had not received a recurring SSI payment dated first of the month.

DECISION AND ORDER

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

ZB/ml



Zainab A. Baydoun
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

Dora Allen

Wayne-Gratiot/Seven-DHHS

4733 Conner Suite G 7 Lappin

Detroit, MI 48215

MDHHS-Wayne-76-Hearings@michigan.gov

Interested Parties

BSC4

M Schaefer

EQAD

MOAHR

Via First Class Mail:

Authorized Hearing Rep.

[REDACTED]

[REDACTED]

[REDACTED] MI [REDACTED]

Petitioner

[REDACTED]

[REDACTED]

[REDACTED] MI [REDACTED]