



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]  
[REDACTED]

Date Mailed: November 26, 2024  
MOAHR Docket No.: 24-010365  
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 October 30, 2024, from Lansing, Michigan. Clifford Peabody, the Petitioner, appeared on his own behalf. The Department of Health and Human Services (Department) was represented by Jennifer Richard, Assistance Payments Supervisor (APS).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-10.

**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 [REDACTED] 2024, updated information regarding Petitioner's Social Security Administration (SSA) issued Supplemental Security Income (SSI) payments was reported to the Department. (Exhibit A, p. 2)
2. Petitioner was found to be eligible for the SSP for the period of July 1, 2024 through September 30, 2024. (Exhibit A, p. 9)

3. On May ■ 2024, a Notice of Case Action was issued to Petitioner stating he was approved for SSP benefits as of July 1, 2024. (Exhibit A, p. 2; APS Testimony)
4. On September ■ 2024, Petitioner filed a hearing request stating he had not received his quarterly SSP checks. (Exhibit A, pp. 4-6)
5. On September ■ 2024, the local Department office emailed the SSI coordinator inquiring about Petitioner's SSP payment. (Exhibit A, pp. 7-8)
6. On September 9, 2024, the SSI Coordinator responded that SSP payments are made quarterly, and Petitioner would receive a payment that month. (Exhibit A, p. 7)

### **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.

Supplemental Security Income (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. BEM 660, October 1, 2021, p. 1.

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.

In this case, on May ■ 2024, updated information regarding Petitioner's Social Security Administration (SSA) issued Supplemental Security Income (SSI) payments was reported to the Department. (Exhibit A, p. 2). Petitioner was found to be eligible for the SSP for the period of July 1, 2024 through September 30, 2024. (Exhibit A, p. 9). On May ■ 2024, a Notice of Case Action was issued to Petitioner. (Exhibit A, p. 2).

On September 4, 2024, Petitioner filed a hearing request stating he had not received his quarterly SSP checks. (Exhibit A, pp. 4-6).

On September ■ 2024, the local Department office emailed the SSI coordinator inquiring about Petitioner's SSP payment. (Exhibit A, pp. 7-8). On September 9, 2024, the SSI

Coordinator responded that SSP payments are made quarterly, and Petitioner would receive a payment that month. (Exhibit A, p. 7). Petitioner testified that he received a quarterly check in September 2024. (Petitioner Testimony).

Petitioner indicated that he has been on these type of payments for a long time. He gets an SSI check every month, he does not know why the quarterly checks stopped, and he did not notice when they stopped. Petitioner asserted that this income would have been verified each year for his Section 8 housing. (Petitioner Testimony). The Department records show that Petitioner last received an SSP payments in 2016. (Exhibit A, p. 9; APS Testimony). Petitioner testified that is has not been that long, but he could not specify when he last received a quarterly SSP check. Petitioner's testimony indicated it was maybe two years; it was the last couple of years since he changed banks; and that it may have been some time in 2023. Petitioner indicates the payments stopped without notice. Petitioner could not provide a Department case number for the SSP payments he received after August 2016 and before the approval effective July 2024. (Petitioner Testimony). There was no documentary evidence submitted at the hearing to support Petitioner's assertion that the Department approved SSP payments for him after August 2016 and before the approval effective July 2024. Petitioner's request to leave the record open to obtain banking records was denied.

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 as of July 2024. As discussed, there was no jurisdiction to address the closure of Petitioner's prior SSP benefit case.

#### **DECISION AND ORDER**

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

CL/dm



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**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 :**

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]