



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: February 21, 2025
MOAHR Docket No.: 24-013583
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 January 23, 2025, from Lansing, Michigan. The Petitioner was represented by ██████████ father and Authorized Hearing Representative (AHR). The Department of Health and Human Services (Department) was represented by Chukwuma Oguejiofor, Eligibility Specialist (ES).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-12.

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 October 4, 2024, a Hearing Decision was issued for MOAHR Docket No. 24-009803 reversing a closure of Petitioner's SSP case. The Department was ordered to reinstate Petitioner's eligibility for SSP beginning May 1, 2024. (Exhibit A, pp. 5-9)
2. On October 24, 2024, supplemental SSP payments were issued to Petitioner for the months of ██████████ 2024 through ██████████ 2024. (Exhibit A, pp. 10-11)
3. On November 18, 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 payment for 1-2 months. Petitioner must receive a regular first of the month payment to be eligible for the SSP payment. The reduced SSP payment was scheduled to be issued on [REDACTED] 2024. (Exhibit A, pp. 3-4)

4. The templated language on the Notice of State SSI Payment Change does address when an SSP reduction was made for any other reason, such as when an SSP payment was made in advance of the quarterly payment schedule.
5. On December 9, 2024, a hearing request was filed on Petitioner's behalf contesting the Department's determination. (Exhibit A, pp. 3-4)

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.

On October 4, 2024, a Hearing Decision was issued for MOAHR Docket No. 24-009803 reversing a closure of Petitioner's SSP case. The Department was ordered to reinstate Petitioner's eligibility for SSP beginning [REDACTED], 2024. (Exhibit A, pp. 5-9).

On [REDACTED], 2024, supplemental SSP payments were issued to Petitioner for the months of [REDACTED] 2024 through [REDACTED] 2024. (Exhibit A, pp. 10-11).

On November 18, 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 payment for 1-2 months. Petitioner must receive a regular first of the month payment to be eligible for the SSP payment. The reduced SSP payment was scheduled to be issued on [REDACTED], 2024. (Exhibit A, pp. 3-4). It appears that the language on the denial notice is not applicable to the reason for the reduced SSP payment being issued on [REDACTED],

2024. The templated language on the Notice of State SSI Payment Change does address when an SSP reduction was made for any other reason, such as when an SSP payment was made in advance of the quarterly payment schedule.

In this case, the [REDACTED] 2024 SSP payment was issued on [REDACTED] 2024 as a supplemental SSP payment along with supplemental SSP payments back to [REDACTED] 2024 as ordered by the [REDACTED], 2024, Hearing Decision. (Exhibit A, pp. 5-11). Pursuant to the BEM 660 policy, an SSP payment for October would generally be issued in December as part of the quarterly payment for October through December. Accordingly, Petitioner's SSP payment scheduled to be issued on [REDACTED] 2024 had to be reduced because the SSP payment for [REDACTED] 2024 was issued as a supplement on [REDACTED], 2024.

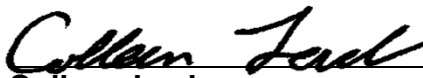
Petitioner's AHR indicated he wanted to ensure SSP payments were issued for each month in 2024. (AHR Testimony). The Benefit Summary Inquiry establishes that SSP payments were issued to Petitioner for each month of 2024. A quarterly SSP payment for [REDACTED], [REDACTED] and [REDACTED] 2024 was issued on [REDACTED] 18, 2024. The quarterly SSP payment issued on [REDACTED], 2024 was only for the month of [REDACTED] 2024. However, [REDACTED] 2024, supplemental SSP payments were issued to Petitioner for the months of [REDACTED] 2024 through [REDACTED] 2024. The quarterly SSP payment issued on [REDACTED], 2024, was for the months of [REDACTED] and [REDACTED] 2024. (Exhibit A, p. 10)

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/pt


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
Trista Waishkey
Washtenaw County DHHS
22 Center Street
Ypsilanti, MI 48198
MDHHS-Washtenaw-Hearings@michigan.gov

Interested Parties
BSC4
M Schaefer
MOAHR

Via-First Class Mail:

Petitioner
[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]

Authorized Hearing Rep.
[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]