



Date Mailed: April 18, 2025

Docket No.: 25-005617

Case No.: [REDACTED]

Petitioner: [REDACTED]

This is an important legal document. Please have someone translate the document.

هذه وثيقة قانونية مهمة. يرجى أن يكون هناك شخص ما يترجم المستند.

এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

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Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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; 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 via telephone conference on March 19, 2025. Petitioner was represented by [REDACTED], Mother and Authorized Hearing Representative (AHR). The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Jenee Murray, Hearing Facilitator (HF).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-11 and Petitioner's additional documentation was admitted as Exhibit 1, pp. 1-2.

ISSUE

Did the Department properly close Petitioner's State SSI Payments (SSP) benefit case?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

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1. On December 12, 2024, the Social Security Administration (SSA) issued a Benefit Verification Letter stating Petitioner was eligible for Supplemental Security Income (SSI) in the amount of \$ [REDACTED] per month effective November 2024. (Exhibit A, p. 10)
 2. When the first of the month falls on a weekend, SSA has been issuing the regular monthly SSI payment early, such as the payments issued on May 31, 2024, August 30, 2024, and November 29, 2024. (Exhibit A, p. 11)
 3. On November 18, 2024, a Notice of State SSI Payment Change was issued to Petitioner stating the quarterly SSP benefit was cancelled because the SSA notified the Department that she did not receive a regular first of the month SSI payment for three months. (Exhibit A, pp. 8-9)
 4. On February 5, 2025, a hearing request was filed on Petitioner's behalf contesting the Department's actions. (Exhibit A, pp. 5-6 and 10-11)

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.

In reviewing Petitioner's SSI payment history, it appears that she received the June 1, 2024 SSI payment on May 31, 2024 and the September 1, 2024 SSI payment on August 30, 2024. Petitioner was also scheduled to receive the December 1, 2024 SSI payment on November 29, 2024. (Exhibit A, p. 11). Based on the Social Security Administration Schedule of Social Security Benefit Payments (Schedule of Benefit Payments), SSI payments are typically issued on the first of the month. <https://www.ssa.gov/pubs/EN-05-10031-2024.pdf>, last accessed April 16, 2025. However, the SSA schedule provides that first of the month payments for certain

months are issued on the last business day of the preceding month. *Id.* The SSA payment schedule fluctuates when the first of the month falls on a non-business day. Department policy provides that SSP payments are made for those months that the SSI recipient receives a regular first of the month federal benefit. The Department presented no evidence to establish that a first of the month federal benefit payment is issued on the last business day of the preceding month in accordance with the SSA Schedule of Benefit Payments should not be treated the same as a recurring payment dated the first of the month. Therefore, Petitioner is eligible for SSP benefits for the months that she received a recurring payment dated the first of the month and for the months that she received an SSI payment issued in accordance with the Schedule of Benefit Payments intended as a recurring payment dated the first of the month.

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 did not act in accordance with Department policy when it closed Petitioner's SSP case.

DECISION AND ORDER

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 closed Petitioner's SSP benefit case.

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 SSP benefits as of the November 18, 2024 effective date in accordance with Department policy.



COLLEEN LACK
ADMINISTRATIVE LAW JUDGE

APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to MOAHR-BSD-Support@michigan.gov, **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.

Via Electronic Mail:

Respondent
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Interested Parties
M. SCHAEFER
BSC4

Via First Class Mail:

Agency/Depart Representative

[REDACTED]

Petitioner

[REDACTED]