



**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]

DECISION

SSP/143099

PRELIMINARY RECITALS

Pursuant to a petition filed August 11, 2012, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Division of Health Care Access And Accountability in regard to State Supplemental SSI benefits, a hearing was held on October 03, 2012, at Appleton, Wisconsin.

The issue for determination is whether the Department has erred by not providing state Social Security Supplement payments to petitioner.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Petitioner's Representative:

[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Melissa Sherry

Division of Health Care Access And Accountability
1 West Wilson St.
Madison, WI 53703

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Outagamie County.
2. On August 13, 2012, petitioner filed a request for fair hearing form with the Division of Hearings and Appeals. The form indicated the check- box for "SSI-MA (State Supplement Cash Benefits)."

DISCUSSION

A person can only receive SSI State Supplement benefits if he also receives federal Supplemental Security Income (SSI) cash benefits in a given month. See, Wis. Stat. § 49.77(2)(a)2. See also, 20 C.F.R. § 416.2025(b)(4).

In this case, it appears that there was no request for the supplement by petitioner; and there was no denial or other negative action by the Department. This appeal was opened simply because petitioner checked the box on the request for hearing form. There does not appear to be any ground for appeal as there has been no indication of a state action relating to the supplement benefit from which petitioner could appeal.

Petitioner and his representative admitted that he does not presently receive SSI, nor has he ever received SSI. Petitioner's representative argued that he is ill and destitute and that that should be a basis for receiving the state supplement. That is not a ground for receiving the supplement. Based on the record, there would be no basis for petitioner to receive this benefit.

CONCLUSIONS OF LAW

There is no issue for determination by DHA.

THEREFORE, it is

ORDERED

That this appeal is dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Room 651, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Madison,
Wisconsin, this 4th day of October, 2012

John P. Tedesco
Administrative Law Judge
Division of Hearings and Appeals

c: Division of Health Care Access And Accountability - email
Department of Health Services - email
[REDACTED] Lyme Disease United Coalition - email



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on October 4, 2012.

Division of Health Care Access And Accountability
State SSI
Lymeinfo@lduc.org