



FH
[REDACTED]

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

In the Matter of

[REDACTED]

DECISION

SSP/144307

PRELIMINARY RECITALS

Pursuant to a petition filed October 01, 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 via telephone on December 05, 2012 . At petitioner's request a Hearing scheduled for November 7, 2012 was rescheduled.

The issue for determination is whether it is correct to discontinue petitioner's State Supplemental Security Income ["SSI"] Supplement.

There appeared at that time via telephone the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

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

By: Melissa Sherry, State SSI Analyst [Ms. Sherry did not appear at the December 5, 2012 Hearing but submitted a letter dated October 18, 2012.]

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Effective January 2011 petitioner's Supplemental Security Income ["SSI"] from the federal government ended due to "Cessation of member's disability" (status code N07).

3. The Wisconsin Department of Health Services ["DHS"] discontinued petitioner's State SSI Supplement because he was not receiving federal SSI as of the date of the State SSI Supplement discontinuance.

DISCUSSION

With certain exceptions not applicable here, a person must be receiving federal SSI in order to receive State SSI Supplement payments. Wis. Stat. § 49.77(2)(a)2. (2009-10). Petitioner was receiving federal SSI but the federal government ended his SSI effective January 2011. Petitioner does not dispute this (although he states he has appealed the ending of his SSI and it is "pending"). Thus, as of January 2011 petitioner was no longer eligible for State SSI Supplement payments. Therefore, it was correct to discontinue State SSI Supplement payments to petitioner.

Petitioner may, if he wishes, file an appeal with the federal government concerning his federal SSI. It appears that he has already done so.

CONCLUSIONS OF LAW

For the reasons explained above, it is correct to discontinue petitioner's State SSI Supplement.

NOW, THEREFORE, it is

ORDERED

That the petition for review herein be and the same is hereby 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 served and 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, 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 10th day of December, 2012

\sSean P. Maloney
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin \DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on December 10, 2012.

Division of Health Care Access And Accountability
State SSI