



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

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In the Matter of

██████████ ██████████  
c/o ██████████ ██████████

DECISION

██  
██

SSP/148174

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**PRELIMINARY RECITALS**

Pursuant to a petition filed March 19, 2013, 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 May 01, 2013, at Appleton, Wisconsin.

The issue for determination is whether the Department erred in discontinuing the state supplement payment to petitioner.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

██████████ ██████████  
c/o ██████████ ██████████  
██  
██

Respondent:

Department of Health Services  
1 West Wilson Street  
Madison, Wisconsin 53703  
By: Melissa Sherry (in writing)  
Division of Health Care Access And Accountability  
PO Box 6680  
Madison, WI 57316

**ADMINISTRATIVE LAW JUDGE:**

John P. Tedesco  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a resident of Outagamie County.
2. Petitioner was placed in non-payment status for federal SSI cash benefit effective August 2012.

- 3. On February 12, 2013, the Department issued notice to petitioner indicating that she would no longer receive the state SSI supplement.

**DISCUSSION**

Effective January 1, 1996, the State of Wisconsin began sending out its State Supplemental SSI payments separately from federal SSI payments (they had previously been sent out as one check by the Social Security Administration). The state statute that lists the eligibility criteria for State Supplemental SSI payments reads as follows:

**49.77 State supplemental payments.**

...

**(2) ELIGIBILITY.** (a) *The following persons who meet the resource limitations and the nonfinancial eligibility requirements of the federal supplemental security income program under 42 USC 1381 to 1383d are entitled to receive supplemental payments under this section:*

...

**2. Any needy person or couple residing in this state and receiving benefits under federal Title XVI.**

Wis. Stat. § 49.77(2). Thus, if the petitioner is receiving federal SSI, she is also eligible for State Supplemental SSI. The State sought discontinuance of the petitioner’s State Supplemental benefit because it believed that petitioner did not meet the financial eligibility requirements of the federal SSI (*i.e.*, Title XVI) program as of February 28, 2013, based on information provided by the SSA. The Department indicated in exhibit #2 that petitioner was placed in non-payment status for federal benefits in August 2012 because her income exceeded limits.

Petitioner , at the time of the hearing, conceded that the federal payments have stopped. This ends the analysis. Without the payments of the federal benefits, the state benefits must cease.

**CONCLUSIONS OF LAW**

The Department did not err in terminating the state supplement as petitioner is not currently receiving federal SSI as of August 2012.

**THEREFORE, it is**

**ORDERED**

That this matter 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 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 7th day of June, 2013

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\sJohn P. Tedesco  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

Wayne J. Wiedenhoef, Acting Administrator  
Suite 201  
5005 University Avenue  
Madison, WI 53705-5400

Telephone: (608) 266-3096  
FAX: (608) 264-9885  
email: [DHAmail@wisconsin.gov](mailto:DHAmail@wisconsin.gov)  
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on June 7, 2013.

Division of Health Care Access And Accountability  
State SSI