



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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

MSI/148555

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**PRELIMINARY RECITALS**

Pursuant to a petition filed April 08, 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 Medical Assistance, a hearing was held on April 25, 2013, at Sheboygan, Wisconsin.

The issue for determination is whether the agency properly discontinued the Petitioner's state supplemental SSI benefits.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

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

By: Vickie Gavin (written submission)

**ADMINISTRATIVE LAW JUDGE:**

Debra Bursinger  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a resident of Sheboygan County.
2. In June, 2012, the agency received notice from the Social Security Administration that the Petitioner was being placed in a non-pay status for SSI benefits effective June, 2012.

3. On March 20, 2013, the agency issued a Notice to the Petitioner about his state Supplemental SSI benefits informing him that because his federal SSI cash payments ended, his state supplemental SSI benefits, including Medicaid would end. It informed him that his Medicaid benefits would end on March 31, 2013.
4. On April 8, 2013, the Petitioner filed an appeal with the Division of Hearings and Appeals.

### **DISCUSSION**

With certain exceptions not applicable here, a person must be receiving federal SSI in order to receive State Supplement SSI payments and SSI-related Medicaid. Wis. Stat. § 49.77. The Social Security Administration (SSA) notified the State of Wisconsin that the petitioner is no longer receiving federal SSI cash benefits effective June, 2012. Therefore, Petitioner is not currently eligible for State Supplement SSI payments and/or SSI-related Medicaid, and the agency was correct to discontinue those benefits to the petitioner.

It should be noted that it was suggested to the Petitioner that he contact the federal Social Security Administration to correct any misinformation regarding the basis for his federal SSI discontinuance. If, at some future date, his federal SSI cash benefits are restored, then the State will restore the state-issued benefits for the period in which he is found eligible by the Social Security Administration. Under the facts in this record, his appeal must be dismissed.

It was also suggested to the Petitioner that he contact the local county human services agency to make inquiry about Petitioner's potential for eligibility for Medical Assistance via some other criteria.

### **CONCLUSIONS OF LAW**

That the petitioner is not eligible for a State Supplement SSI payment and/or SSI-related Medical Assistance he is no longer receiving a federal SSI payment.

**THEREFORE, it is**

**ORDERED**

That the petition be, and hereby 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 Milwaukee,  
Wisconsin, this 21st day of June, 2013

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\sDebra Bursinger  
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 June 21, 2013.

Division of Health Care Access And Accountability  
State SSI