



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MSI/149035

PRELIMINARY RECITALS

Pursuant to a petition filed April 22, 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 July 29, 2013, at Green Bay, Wisconsin.

The issue for determination is whether the Department erred in terminating petitioner's medical assistance (MA) due to her no longer receiving federal SSI.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Melissa Sherry (written submission)

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Brown County.
2. Petitioner received an SSI payment of \$130.43 from August 2012 through April 2013.
3. Petitioner stopped receiving this payment as of May 2013.
4. The Department terminated the associated medical assistance effective May 31, 2013 and sent notice to petitioner on April 17 informing her.

5. Petitioner filed a timely appeal.

DISCUSSION

Anyone who receives SSI benefits is entitled to receive MA as "categorically needy" under Wis. Stat., §49.46(1)(a)4. Conversely, when SSI eligibility ends so does that person's entitlement to MA under the provisions of this statutory section.

The SSA has informed the State that the petitioner was not eligible for SSI, due to income exceeding program limits, effective May 2013. The Department submitted a written explanation dated April 30, 2013 (see ex. #1), which stated that petitioner's household income exceeded the SSI limit and that petitioner "has been placed in a non-payment status code N01 for May 2013 forward. The ForwardHealth member information printout in the record also states a code of N01 for May 2013 (see ex. #3).

At the time of the hearing, the petitioner indicated that her SSI payments had not stopped. She indicated that she has been receiving a reduced payment of \$26. But, she did not articulate the program under which those payments have been made. It may well be a payment other than the federal SSI cash payment. I note that the record reflects that petitioner's SSI benefit payment has historically been \$130.43 from August 2012 through April 2013. It is clear from the testimony of petitioner, and the documents submitted by the Department that she is not getting this specific payment any longer. Furthermore, in her letter requesting appeal (ex. #4), petitioner notes that her husband's income was higher in March than it had been previously. I am persuaded by the best evidence in this record that the SSI payments ceased effective May 2013. The MA was, thus, properly terminated as a result.

CONCLUSIONS OF LAW

The Department did not err in terminating petitioner's state supplement payment.

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 6th day of September, 2013

\sJohn P. Tedesco
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 September 6, 2013.

Division of Health Care Access And Accountability
State SSI