



STATE OF WISCONSIN  
Division of Hearings and Appeals

---

In the Matter of

██████████ ██████████ ██████████  
████████████████████  
██

DECISION

SSP/150637

---

**PRELIMINARY RECITALS**

Pursuant to a petition filed July 11, 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 telephone hearing was held on August 14, 2013.

The issue for determination is whether the Department correctly discontinued the petitioner's SSI State Supplement benefits because she is no longer receiving federal SSI cash benefits.

There appeared at that time the following persons:

**PARTIES IN INTEREST:**

Petitioner:

██████████ ██████████ ██████████  
████████████████████  
██

Respondent:

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

Written Appearance by: Melissa Sherry  
Division of Health Care Access And Accountability  
Madison, WI

**ADMINISTRATIVE LAW JUDGE:**

Peter McCombs  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a resident of Milwaukee County. He was receiving federal and state Supplemental Security Income (SSI) cash benefits until September 30, 2013.
2. The petitioner's federal SSI cash benefits ended effective September 30, 2011, due to income in excess of federal program limits.

3. On July 3, 2013, the Department issued a Notice to the petitioner informing him that his state SSI benefits would end effective September 30, 2013, because he was no longer eligible as a consequence of the discontinuance of his federal SSI cash benefit.
4. On July 15, 2013, the petitioner filed an appeal with the Division of Hearings & Appeals contesting the discontinuance of her SSI State Supplement 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).

The petitioner was determined by the Social Security Administration to be in a federal SSI non-payment/non-eligible status, i.e., “NO1” which means that he was ineligible due to income in excess of federal SSI program limits. The federal agency informed the Department, and the Department acted to discontinue the petitioner’s state SSI benefits.

The petitioner admitted that his federal SSI benefit ended due to excess income, and that it had not yet been restored even though he had requested an appeal.

The Department’s action was correct under the facts, and the discontinuance must be sustained. If the petitioner again begins to receive the federal SSI cash benefit, the Department will again be informed and his SSI State Supplement would then be restored. At present, he is ineligible.

**CONCLUSIONS OF LAW**

That the Department correctly discontinued the petitioner’s state SSI benefits because he no longer is receiving federal SSI benefits.

**THEREFORE, it is ORDERED**

That the petition for review herein be, and the same 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 Madison,  
Wisconsin, this 3rd day of October, 2013

---

\sPeter McCombs  
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 October 3, 2013.

Division of Health Care Access And Accountability  
State SSI