



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MSI/150970

PRELIMINARY RECITALS

Pursuant to a petition filed July 24, 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 (MA), a telephone hearing was held on August 21, 2013.

The issue for determination is whether the petitioner is eligible for continued Wisconsin MA as a Wisconsin SSI recipient.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Vickie Gavin (written submission)

ADMINISTRATIVE LAW JUDGE:

Peter McCombs
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County who had been receiving federal Supplemental Security Income (SSI) payments from the Social Security Administration (SSA) and State SSI payments and SSI Medicaid from the state of Wisconsin.
2. On April 17, 2013, a notice was issued to petitioner, indicating he was being placed in nonpayment status by the Social Security Administration for his federal Supplemental Security

Income (SSI) payments effective April 30, 2013, and ongoing. That notice explained his state MA and cash benefits were also ending in April, 2013.

3. The Social Security Administration has petitioner being placed in a non-payment status code of N06 (recipient failed to file for other benefits).
4. Petitioner's state SSI payments and SSI Medicaid were discontinued due to the discontinuance of his federal SSI payments.

DISCUSSION

Anyone who receives SSI benefits is entitled to receive MA as "categorically needy" under section 49.46(1)(a)4 of the Wisconsin Statutes. Conversely, when SSI eligibility ends so does that person's entitlement to MA under the provisions of that statutory section. As a result, the issue here is whether petitioner continued to be eligible for categorically needy Wisconsin MA when it appeared that he was no longer receiving federal SSI as of April 30, 2013.

Aside from certain exceptions not applicable here, a person must be receiving federal SSI in order to receive state SSI payments. Wis. Stat. § 49.77. The Social Security Administration (SSA) notified the state that petitioner is no longer receiving federal SSI because it determined that he had failed to file for other benefits. Therefore, petitioner is not currently eligible for SSI State Supplement payments or SSI Medicaid and it was correct to discontinue those benefits.

Petitioner is advised to continue to pursue his case with the Social Security Administration. If he is again placed in federal pay status, he will again be eligible for state SSI.

CONCLUSIONS OF LAW

The Department acted correctly in discontinuing petitioner's state SSI payments.

NOW, THEREFORE, it is **ORDERED**

That the petition for review 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 4th day of October, 2013

\sPeter McCombs
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 October 4, 2013.

Division of Health Care Access And Accountability
State SSI