



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

SSO/151918

PRELIMINARY RECITALS

Pursuant to a petition filed September 05, 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 (DHCAA) in regard to Medical Assistance, a telephonic hearing was held on January 15, 2014, at Milwaukee, Wisconsin. At the request of petitioner, hearings set for October 9, 2013, November 6, 2013, and December 4, 2013 were rescheduled.

The issue for determination is whether there is any remaining issue in dispute regarding the petitioner's State SSI overpayment of \$167.56 for the months of June and July, 2012.

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, Room 651
Madison, Wisconsin 53703

By: No appearance (written submission)
State SSI Unit
Division of Health Care Access and Accountability
P.O. Box 6680
Madison, WI 53716-0680

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner received federal SSI benefits from the Social Security Agency (SSA) and State SSI from the State of Wisconsin.
3. SSA sent a notice to the petitioner stating that petitioner was above the SSI income eligibility limit for the months of June and July, 2012.
4. The Wisconsin Department of Health Services (DHS) sent an August 22, 2013 notice to the petitioner stating that petitioner received a State SSI overpayment of \$167.56 for the months of June and July, 2012 due to his income above the SSI income limit for those months.
5. During the January 15, 2014 hearing, petitioner agreed that his income was above the SSI income eligibility limit for the months of June and July, 2012, and that there was no longer any remaining issue in dispute regarding his State SSI overpayment of \$167.56 for the months of June and July, 2012.

CONCLUSIONS OF LAW

There is no longer any remaining issue in dispute regarding petitioner's State SSI overpayment of \$167.56, as petitioner agreed that his income was above the SSI income eligibility limit for those two months.

THEREFORE, it is ORDERED

The petition for review herein be and the same is hereby Dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or 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 filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in

this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 19th day of March, 2014

\sGary M. Wolkstein
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 March 19, 2014.

Division of Health Care Access and Accountability
State SSI