



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

In the Matter of

██████ ██████
c/o ██████ ██████
████████████████████
████████████████████

DECISION

SSP/155086

PRELIMINARY RECITALS

Pursuant to a petition filed January 24, 2014, 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 hearing was held on March 10, 2014, at Green Bay, Wisconsin.

The issue for determination is whether the Department erred in its termination of the state supplement payment effective 2/1/14.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

██████ ██████
c/o ██████ ██████
████████████████████
████████████████████

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: No appearance

Division of Health Care Access and Accountability

Madison, WI

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 inheritance and was determined by the SSA ineligible for federal SSI as of 1/28/14. As a result, the Department terminated the supplement payment.

3. Petitioner appealed.

DISCUSSION

In order to receive the SSI State Supplement, most persons must also be eligible to receive federal SSI through the Social Security Administration (SSA). Some states issue supplemental payments to SSI recipients living within their states, while others choose not to do so. Wisconsin is a state that has chosen to issue a monthly supplemental payment to Wisconsin residents who receive federal SSI. However, a condition of receiving this payment is that the person must be eligible to receive federal SSI (Title XVI):

49.77 State supplemental payments. ...

(2) ELIGIBILITY. (a) The following persons who meet the resource limitations and the nonfinancial eligibility requirements of the federal supplemental security income program under 42 USC 1381 to 1383d are entitled to receive supplemental payments under this section:

...

2. Any needy person or couple residing in this state and *receiving benefits under federal Title XVI.*

...

(emphasis added)

Wis. Stat. §49.77(2)2.

The SSA informed the State that the petitioner was not eligible for SSI, due to excess assets. Petitioner concedes that she received an inheritance. She also conceded at the hearing that her SSI terminated. It simply does not matter why the SSI stopped. Nor does it matter that petitioner thinks it is unfair to stop public payments to her based on the assertion that she was not expecting the inheritance.

CONCLUSIONS OF LAW

The Department did not err in terminating the supplement payment as of 2/1/14.

THEREFORE, it is

ORDERED

That this matter is 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 9th day of April, 2014

\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 April 9, 2014.

Division of Health Care Access and Accountability
State SSI