



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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

SSO/155140

PRELIMINARY RECITALS

Pursuant to a petition filed January 29, 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 Medical Assistance, a telephonic hearing was held on March 24, 2014, at Janesville, Wisconsin.

The issue for determination is whether there is any remaining issue in dispute regarding the petitioner's State SSI overpayment of \$670.24 from the period of January, 2013 through August, 2013.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Petitioner's Representative:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Melissa Sherry, supervisor, appeared by conference call for hearing
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 is a 69 year old resident of Rock County.

2. During the period of January, 2013 through August, 2013, petitioner received monthly federal SSI benefits. Petitioner also received monthly State SSI of \$83.78 for that same period.
3. The Social Security Agency (SSA) sent a December 1, 2013 notice to the petitioner stating that petitioner had been overpaid in his Federal SSI benefits during the period of December, 2012 through October, 2013 due to excess income. See Exhibit 2.
4. The Department sent a December 19, 2013 Notice to the petitioner stating that petitioner received an overpayment of his State SSI in the total amount of \$670.24 during the period of January, 2013 through August, 2013. See Exhibit 1.
5. Petitioner appealed the federal SSI overpayment notice to SSA. Petitioner also timely appealed his State SSI overpayment notice.
6. Upon reconsideration, SSA sent a February 7, 2014 notice to the petitioner stating that petitioner's federal SSI overpayment was reversed for the period of January, 2013 through August, 2013. See Exhibit 3.
7. During the March 24, 2014 hearing, State SSI supervisor, Melissa Sherry, stipulated that the Department would remove the petitioner's total State SSI overpayment of \$670.24 during the period of January, 2013 through August, 2013, as he was eligible for federal SSI during that entire period per SSA's February 7, 2014 notice.

CONCLUSIONS OF LAW

There is no longer any remaining issue in dispute regarding the petitioner's State SSI overpayment of \$670.24 from the period of January, 2013 through August, 2013, as the Department representative stipulated that petitioner's State SSI overpayment of \$670.24 should be removed.

THEREFORE, it is

ORDERED

The matter is remanded to the Department (**Attention: State SSI supervisor Melissa Sherry**) with instructions to take the necessary administrative action to: a) remove the petitioner's State SSI overpayment of \$670.24 from the period of January, 2013 through August, 2013; and b) send a notice to petitioner and to the Division of Hearings and Appeals confirming the removal of petitioner's \$670.24 State SSI overpayment, within 10 days of the date of this Decision.

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 29th day of May, 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 May 29, 2014.

Division of Health Care Access and Accountability
State SSI
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