



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of:

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

SSP/157745

PRELIMINARY RECITALS

Pursuant to a petition filed May 14, 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 [“DCHAA”] in regard to State SSI Supplement benefits, a Hearing was held via telephone on July 02, 2014.

The issue for determination is whether it is correct to discontinue petitioner’s State Supplemental Security Income [“SSI”] Supplement.

There appeared at that time via telephone 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: Melissa Sherry, State SSI Analyst [Ms. Sherry did not appear at the July 2, 2014 Hearing but submitted a letter dated June 25, 2014.]

Division of Health Care Access and Accountability
State Supplemental Security income Unit
P.O. Box 6680
Madison, Wisconsin
52716-0680

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Florence County, Wisconsin.
2. Effective March 2014 petitioner's Supplemental Security Income ["SSI"] from the federal government ended due to "Member's countable income exceeds Title XVI FBR" (status code N01).
3. The Wisconsin Department of Health Services ["DHS"] discontinued petitioner's State SSI Supplement because she was not receiving federal SSI as of the date of the State SSI Supplement discontinuance.

DISCUSSION

With certain exceptions not applicable here, a person must be receiving federal SSI in order to receive State SSI Supplement payments. Wis. Stat. § 49.77(2)(a)2. (2011-12). Petitioner was receiving federal SSI but the federal government ended her SSI effective March 2014. Petitioner does not dispute this. Thus, as of March 2014 petitioner was no longer eligible for State SSI Supplement payments. Therefore, it was correct to discontinue State SSI Supplement payments to petitioner.

Petitioner may, if she wishes, file an appeal with the federal government concerning her federal SSI. She should contact the nearest Social Security office to do so.

CONCLUSIONS OF LAW

For the reasons explained above, it is correct to discontinue petitioner's State SSI Supplement.

NOW, THEREFORE, it is

ORDERED

That 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 7th day of July, 2014

\sSean P. Maloney
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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Madison, WI 53705-5400

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The preceding decision was sent to the following parties on July 7, 2014.

Division of Health Care Access and Accountability
State SSI