



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

Redacted case information

DECISION

SSP/163397

PRELIMINARY RECITALS

Pursuant to a petition filed January 02, 2015, 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 17, 2015, at Appleton, Wisconsin.

The issue for determination is whether the respondent correctly ended, and subsequently reinstated petitioner's eligibility for State SSI benefits.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

Redacted petitioner name

Respondent:

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

By: Redacted (written appearance only)
Division of Health Care Access and Accountability
Madison, WI

ADMINISTRATIVE LAW JUDGE:

Peter McCombs
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # Redacted) is a resident of Outagamie County.
2. The Social Security Administration ended the petitioner's federal SSI benefits as of June 30, 2013.
3. Respondent notified petitioner by notice dated June 18, 2013 that her state SSI payment would end as well.

4. Respondent notified petitioner by notice dated December 17, 2014, that she was eligible for state SSI payments, as she was eligible for federal SSI, and that her Medicaid would commence effective August 1, 2014, as well.

### DISCUSSION

A person must receive federal SSI payments to be eligible for state SSI supplement payments. Wis. Stat. § 49.77(2)(a)2. Because the federal government ended the petitioner's federal SSI payments as of June 30, 2013, the state SSI program correctly did the same. The federal government determined that petitioner was eligible for federal SSI payments, and therefore she was again determined eligible for state SSI effective December, 2014.

### CONCLUSIONS OF LAW

The Department correctly ended the petitioner's federal SSI payments as of June 30, 2013, when the federal payments ended, and it correctly reinstated the petitioner's state SSI payment after her federal SSI payment was reinstated in December, 2014.

**THEREFORE, it is**

**ORDERED**

The petitioner's appeal 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 26th day of March, 2015.

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\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 March 26, 2015.

Division of Health Care Access and Accountability  
State SSI