



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

SSO/166156

PRELIMINARY RECITALS

Pursuant to a petition filed May 21, 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 Medical Assistance, a hearing was held on June 09, 2015, at Waukesha, Wisconsin.

No issue remains for resolution by the Division of Hearings and Appeals.

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: Written submission of Melissa Sherry
Division of Health Care Access and Accountability
Madison, WI

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

Petitioner's appeal indicates that she filed this appeal after prevailing in a Social Security Administration matter that resulted in reversal of an overpayment of Social Security benefits. She has also been subject to a recovery action for Wisconsin SSI supplemental benefits. Post hearing an inquiry was made of the State SSI Unit and it made inquiries to the Social Security Administration and concluded that it would waive Petitioner's State overpayment for the period of December 2012 through May 2013 and refund \$125.70 to Petitioner. This leaves no issue for resolution by the Division of Hearings and Appeals.

CONCLUSIONS OF LAW

That no issue remains for resolution by the Division of Hearings and Appeals.

THEREFORE, it is

ORDERED

That this matter is remanded to the State SSI Unit with instructions to take the steps necessary to rescind the overpayment at issue here and to refund the \$125.70 to Petitioner. These steps should be taken as soon as possible, preferably within 10 days of the date of this Decision, if not done already.

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 Milwaukee,
Wisconsin, this 1st day of July, 2015

\sDavid D. Fleming
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 July 1, 2015.

Division of Health Care Access and Accountability
State SSI