



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

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

DECISION

MSI/169096

PRELIMINARY RECITALS

Pursuant to a petition filed September 28, 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 October 22, 2015, at Milwaukee, Wisconsin.

The issue for determination is whether the agency properly discontinued the Petitioner's state SSI cash benefit and medical assistance benefit effective September, 2015.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

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

||

Respondent:

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

By: Melissa Sherry (written submission)

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Milwaukee County.
2. Effective August 30, 2015, the Social Security Administration (SSA) discontinued the Petitioner's federal Supplemental Security Income (SSI).

3. On September 18, 2015, the state agency issued a notice to the Petitioner informing her that her Wisconsin Medicaid benefits will end on September 30, 2015 because she is no longer receiving federal SSI benefits.
4. On September 28, 2015, the Petitioner filed an appeal with the Division of Hearings and Appeals.
5. On October 2, 2015, the state agency issued a notice to the Petitioner informing her that her Medicaid benefits and state SSI cash benefits would end due to being in a non-pay status for the federal SSI benefit.

DISCUSSION

Anyone who receives SSI benefits is entitled to receive an SSI state supplement cash benefit and medical assistance as “categorically needy” under Wis. Stat. § 49.46(1)(a)4. The petitioner was disabled and received SSI payments along with medical assistance based upon her disability. The state notified the petitioner that her medical assistance and state cash benefit would end because her federal SSI benefits were ending due to a determination by the SSA that she is no longer disabled. At the hearing, the Petitioner indicated that she believed she had filed an appeal of the SSA determination regarding her disability. She conceded that, as of the date of the state agency’s action, the SSA has found she is not disabled. The Petitioner was advised that if the SSA reverses its determination and finds that she is disabled, she can re-apply for state medical assistance and for the state supplemental cash benefit.

CONCLUSIONS OF LAW

The agency properly determined that the Petitioner is no longer eligible to receive state SSI benefits or state medical assistance due to SSA’s determination that she is not disabled.

THEREFORE, it is

ORDERED

That 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 Milwaukee,
Wisconsin, this 9th day of December, 2015

\sDebra Bursinger
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on December 9, 2015.

Division of Health Care Access and Accountability
State SSI