



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

In the Matter of

[REDACTED]
[REDACTED]
c/o Atty [REDACTED]
[REDACTED]
[REDACTED]

DECISION ON REHEARING

SSP/169925

PRELIMINARY RECITALS

Pursuant to a petition filed November 4, 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 (DHCAA or Division) in regard to State Supplemental SSI benefits, a hearing was held on January 12, 2016, by telephone. On January 29, 2016, a decision was issued, dismissing the appeal. The petitioner filed a request for rehearing on February 11, 2016, which was granted, due to new evidence. Another hearing was not needed.

The issue for determination is whether discontinuance of the petitioner's State supplemental SSI payments effective October 31, 2015, was correct.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
c/o Atty [REDACTED]
[REDACTED]
[REDACTED]

Petitioner's Representative:

Attorney [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: [REDACTED] [REDACTED], State SSI Analyst
Division of Health Care Access and Accountability
Madison, WI

ADMINISTRATIVE LAW JUDGE:

Nancy J. Gagnon
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of La Crosse County.
2. Prior to November 1, 2015, the petitioner received State Supplemental SSI payments. The Department notified the petitioner on October 19, 2015, that his State Supplemental SSI benefits would be discontinued effective October 31, 2015. The petitioner appealed.
3. Prior to November 1, 2015, the federal Social Security Administration (SSA) notified the petitioner that his federal SSI payments would be discontinued effective October 31, 2015. The SSA's basis for discontinuance was cessation of disability.
4. In his rehearing request, the petitioner included a federal *SSI Notice of Change in Payment*, dated February 4, 2016. That letter advises that the petitioner has resumed receiving federal SSI payments effective January 1, 2016.
5. The rehearing request was granted, and this Judge asked Analyst M. [REDACTED] (via email) if State Supplemental SSI benefits had been restored back to January 2016. On February 25, 2016, Ms. [REDACTED] responded that State Supplemental SSI benefits for January through March 2016 had been issued the day before.

DISCUSSION

The Discussion portion of the initial decision in this case is incorporated herein by reference. Because the petitioner has now established that federal SSI benefits resumed effective January 1, 2016, it follows that his State Supplemental SSI benefits must also resume effective January 1, 2016. The DHCAA is not disputing that the state benefit should resume effective January 1, 2016. The DHCAA now makes the representation that it has issued the petitioner's state benefits for January 1, 2016 forward.

CONCLUSIONS OF LAW

1. Because the petitioner has now established that federal SSI benefits resumed effective January 1, 2016, it follows that his State Supplemental SSI benefits must also resume effective January 1, 2016.
2. During the rehearing process, the DHCAA made the representation that it has issued the petitioner's state benefits for January 1, 2016 forward. Thus, there is nothing further for this Judge to order at this time.

THEREFORE, it is

ORDERED

That the petition is dismissed.

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 10th day of March, 2016

\sNancy J. Gagnon
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 10, 2016.

Division of Health Care Access and Accountability

State SSI

Attorney [REDACTED]