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STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

Case #: MSI - 199817

PRELIMINARY RECITALS

Pursuant to a petition filed on August 28, 2020, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Division of Medicaid Services regarding State Supplemental SSI benefits, a hearing was held on October 1, 2020, by telephone.

The issue for determination is whether the agency correctly sought to discontinue petitioner's Medical Assistance (MA) effective January 31, 2020.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

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

By: written submittal of [REDACTED], State SSI Analyst
Division of Medicaid Services
PO Box 309
Madison, WI 53701-0309

ADMINISTRATIVE LAW JUDGE:
Kelly Cochrane
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County had been receiving federal Supplemental Security Income (SSI) payments from the Social Security Administration (SSA) and State SSI payments from the State of Wisconsin.
2. On December 18, 2019, the agency issued a notice to petitioner stating that his MA would end effective January 31, 2020 because his federal SSI was ending on December 31, 2019.
3. According to the State SSI Analyst, the Social Security Administration has petitioner being placed in a non-payment status code of N07 (no longer disabled) effective May 2017.

DISCUSSION

Effective January 1, 1996, the State of Wisconsin began sending out its State Supplemental SSI payments separately from federal SSI payments (they had previously been sent out as one check by the Social Security Administration). Petitioner was eligible for State Supplemental SSI because he received a federal SSI payment.

With certain exceptions not applicable here, a person must be receiving federal SSI in order to receive SSI State Supplement payments. Wis. Stat. §49.77. The SSA notified the state that petitioner is no longer receiving federal SSI because they determined he was no longer disabled.

Anyone who receives SSI benefits is also entitled to receive MA as "categorically needy" under Wis. Stat., §49.46(1)(a)4. Conversely, when SSI eligibility ends so does that person's entitlement to MA under the provisions of this statutory section.

Petitioner (represented by his grandfather at hearing) was unsure if an appeal was filed through the SSA to contest the federal SSI ending. Petitioner had to pursue his case with the Social Security Administration to contest the action in order to affect state benefits. The State SSI Consultant indicated a federal appeal was filed but that the decision was unfavorable to petitioner and his federal SSI ended. If he is again placed in federal pay status, he will again be eligible for state SSI. However, I note petitioner has remained eligible for Wisconsin MA due to the COVID 19 pandemic. He may wish to apply for MA to see if he qualifies otherwise should the pandemic benefits cease.

CONCLUSIONS OF LAW

The agency correctly sought to discontinue petitioner's Medical Assistance (MA) effective January 31, 2020 because his federal SSI was ending.

THEREFORE, it is

ORDERED

The petition for review herein 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, 4822 Madison Yards Way 5th Floor, 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.

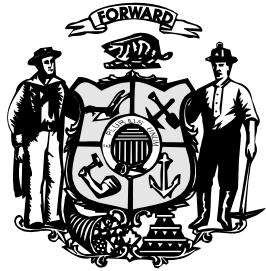
APPEAL TO COURT

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, **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 28th day of October, 2020

\s _____
Kelly Cochrane
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 October 28, 2020.

Division of Medicaid Services
State SSI