

## Chapter HFS 79

### STATE SUPPLEMENTAL SECURITY INCOME PAYMENTS

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**HFS 79.10 Authority and purpose.** This chapter is promulgated under the authority of ss. 49.77, 49.775 and 227.11 (2) (a), Stats., to administer supplemental security income state supplemental payments to low-income elderly and disabled residents of Wisconsin and their dependent children. This chapter establishes the basis for the recovery of benefits incorrectly paid to individuals who receive benefits under s. 49.77 or 49.775, Stats., or both, provides for the department's waiver of recovery of incorrectly paid benefits and establishes the appeal right of an individual from whom the department seeks to recover benefits incorrectly paid to the individual.

**History:** Cr. Register, April, 2001, No. 544, eff. 5-1-01.

**HFS 79.20 Applicability.** This chapter applies to the department and to individuals receiving benefits under s. 49.77 or 49.775, Stats., or both.

**History:** Cr. Register, April, 2001, No. 544, eff. 5-1-01.

**HFS 79.30 Definition.** In this chapter:

(1) "Department" means the department of health and family services.

(2) "Incorrectly paid benefits" means payments of any amount dispersed to an individual who was not eligible for any benefit amount during the period for which the payment was made or in an amount which was in excess of the amount for which the person was eligible during the period for which the payment was made.

**History:** Cr. Register, April, 2001, No. 544, eff. 5-1-01.

**HFS 79.40 Recovery of incorrectly paid benefits.**  
 (1) **CURRENT RECIPIENT.** The department shall recover payments

incorrectly made under s. 49.77 or 49.775, Stats., to an individual who receives benefits paid under s. 49.77 or 49.775, Stats., or both, by reducing the amount of an individual's payment under s. 49.77 or 49.775, Stats., or both, by no more than 10% until the full amount of the incorrect payment is recovered by the department, unless the individual requests a larger percentage deduction.

(2) **FORMER RECIPIENT.** (a) The department shall ask a former recipient to voluntarily repay overpayments the department made under s. 49.77 or 49.775, Stats.

(b) If a former recipient refuses to voluntarily repay the amount specified under sub. (2) and the overpayment is \$100 or more, the department may pursue collection or court action.

**History:** Cr. Register, April, 2001, No. 544, eff. 5-1-01.

**HFS 79.50 Waiver of recovery.** The department may waive recovery of incorrectly paid benefits for an incident of incorrect payment, be it for a single month or for an episode of incorrect payments, when the total recovery or adjustment for the single month or episode is less than \$100.

**History:** Cr. Register, April, 2001, No. 544, eff. 5-1-01.

**HFS 79.60 Appeal rights.** The department shall send a notice of adverse administrative action to an individual identifying the months and amounts for which benefits were incorrectly paid and the reason for which the individual was ineligible for the payment. The notice shall include information regarding the individual's right to appeal the department's decision as provided in ch. HA 3. The department delegates final decision making regarding appeals to the department of administration's division of hearings and appeals under s. HA 3.09 (9) (a).

**History:** Cr. Register, April, 2001, No. 544, eff. 5-1-01.