

STATE OF WISCONSIN
LABOR AND INDUSTRY REVIEW COMMISSION
P O BOX 8126, MADISON, WI 53708-8126 (608/266-9850)

MARY C BONNEAU, Claimant

UNEMPLOYMENT INSURANCE
DECISION

Hearing No. 98200428RH

**SEE ENCLOSURE AS TO TIME
LIMIT AND PROCEDURES ON
FURTHER APPEAL**

An administrative law judge (ALJ) for the Division of Unemployment Insurance of the Department of Workforce Development issued a decision in this matter. A timely petition for review was filed.

The commission has considered the petition and the positions of the parties, and it has reviewed the evidence submitted to the ALJ. Based on its review, the commission agrees with the decision of the ALJ, and it adopts the findings and conclusion in that decision as its own.

DECISION

The decision of the administrative law judge is affirmed. Accordingly, as of week 2 of 1998, benefits otherwise payable for any week of partial or total unemployment are reduced by \$76.61.

Dated and mailed

JUL 8 1998

bonnema.usd:145:1

/s/

David B. Falstad, Chairman

/s/

Pamela I. Anderson, Commissioner

/s/

James A. Rutkowski, Commissioner

MEMORANDUM OPINION

In her petition for commission review the claimant asserts that there is a great difference between payments made by the Social Security Administration for retirement and for disability, which she does not find defined in the Wisconsin Statutes. She believes that she is receiving disability payments, not retirement, which should be exempt. According to department policy Supplemental Security Income (SSI) is not treated as deductible income, because it is not based on a claimant's work. However, Social security disability payments such as the claimant receives qualify as pension payments because the amount received is based on work performed. Unemployment Compensation Benefits Manual, Vol 3, Part VII, Chapter 6, page 32. Given the language of the statutes and the nature of the payments received by the claimant, the claimant's benefits must be reduced by \$76.61 per week.