



FH
[REDACTED]

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

In the Matter of

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

DECISION

[REDACTED]

PRELIMINARY RECITALS

Pursuant to a petition filed September 24, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Chippewa County Department of Human Services in regard to Medical Assistance, a hearing was held on January 12, 2016, at Chippewa Falls, Wisconsin. Hearings scheduled for October 13, 2015, November 17, 2015, and December 15, 2015, were rescheduled at the petitioner's request.

The issue for determination is whether the petitioner is financially eligible for medical assistance.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

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

Petitioner's Representative:

Attorney Steven J. Ledin

[REDACTED]
[REDACTED]

Respondent:

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

By:

[REDACTED]
Chippewa County Department of Human Services
711 N. Bridge Street
Chippewa Falls, WI 54729-1877

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of Chippewa County.

2. The parties agreed during the hearing that the petitioner was eligible for the benefits she sought if was found to be disabled.
3. Neither party has submitted any evidence indicating that the petitioner is disabled.

DISCUSSION

This matter has been going on for some time. Hearings were postponed, and at least one was begun and then continued. At the latest hearing, the parties stipulated that the petitioner is financially eligible for benefits but indicated that they were waiting for the Disability Determination Bureau to determine if she is disabled. It has been 50 days since the hearing, and I have not heard anything. I am going to remand this to the agency with instructions to either approve or disapprove the application, depending upon the Disability Determination Bureau's action. The petitioner retains the right to challenge any denial by the Disability Determination Bureau.

CONCLUSIONS OF LAW

The petitioner is financially eligible for the program he is applying for medical assistance.

THEREFORE, it is

ORDERED

That this matter is remanded to the county agency with instructions that within 10 days of the date of this decision it certify that the petitioner has been financially eligible for medical assistance since October 1, 2015. If the Disability Determination Bureau has determined that the petitioner is disabled, the county agency shall also certify that it has found her eligible for the program. If the Bureau has determined that she is not disabled, it shall deny eligibility, but the petitioner may file a new appeal challenging this decision. If the Bureau has not yet ruled, the agency shall still certify that the petitioner is financially eligible, but shall wait until it has a decision from the Bureau before determining her eligibility.

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 Madison,
Wisconsin, this 2nd day of March, 2016

\sMichael D. O'Brien
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 March 2, 2016.

Chippewa County Department of Human Services
Division of Health Care Access and Accountability
Attorney Steven Ledin