



STATE OF WISCONSIN  
Division of Hearings and Appeals

In the Matter of

[Redacted]

DECISION

CWA/171689

**PRELIMINARY RECITALS**

Pursuant to a petition filed January 28, 2016, under Wis. Admin. Code § HA 3.03, to review a decision by the Bureau of Long-Term Support in regard to Medical Assistance, a hearing was held on March 02, 2016, at Milwaukee, Wisconsin.

The issue for determination is whether the agency correctly involuntarily dis-enrolled the petitioner from the IRIS program effective January 22, 2016 for failing to use the services.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[Redacted]

;

Respondent:

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

By: [Redacted]  
Bureau of Long-Term Support  
1 West Wilson

Madison, WI

**ADMINISTRATIVE LAW JUDGE:**

Corinne Balter  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. The petitioner is a resident of Milwaukee County.

2. On January 7, 2016 the IRIS program sent the petitioner a notice stating that they were dis-enrolling her from the program effective January 22, 2016 because she no longer needed the services that the program offers.
3. The petitioner has not used any services from the IRIS program since August 1, 2015.
4. On January 28, 2016 the Division of Hearings and Appeals received the petitioner's Request for Fair Hearing.

### DISCUSSION

The IRIS program was developed pursuant to a Medical Assistance waiver obtained by the State of Wisconsin, pursuant to section 6087 of the Deficit Reduction Act of 2005 (DRA), and section 1915(j) of the Social Security Act. It is a self-directed personal care program. IRIS policies are found online at <http://www.dhs.wisconsin.gov/publications/P0/P00708.pdf>.

The agency in this case cited IRIS Policy 7.1A.1, dated (02/2016) for its action to dis-enroll the petitioner. The policy states that the Department of Health Services (DHS), Office of IRIS Management, (OIM), reserves the right to dis-enroll IRIS participants for "failure to utilize IRIS funding." Failure to utilize IRIS funding is defined as not submitting claims or timesheets for four or more consecutive months. The agency testified and the petitioner agreed that she has not used IRIS funds since August 1, 2015.

The petitioner in effect did not contest her disenrollment from the program as long as she had the ability to re-enroll at a later date. The petitioner had an issue with her living situation, and although she maintains her primary address and residence in Milwaukee, WI, she has been staying out state. This has prevented her from utilizing IRIS services. She is attempting to find a new residence in Wisconsin. Her goal would be to re-enroll once she obtains a new residence. I note that the petitioner may seek re-enrollment in the IRIS program in the future. Her eligibility would be re-determined, and if she was functionally, financially, and otherwise eligible for the program, she could re-enroll.

Based on the IRIS representatives' testimony and the petitioner's own testimony, I must conclude that the IRIS program correctly involuntarily dis-enrolled the petitioner effective January 22, 2016 for failing to use the services.

### CONCLUSIONS OF LAW

The agency correctly involuntarily dis-enrolled the petitioner from the IRIS program effective January 22, 2016 for failing to use the services.

**THEREFORE, it is**

**ORDERED**

That the petition 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, 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**

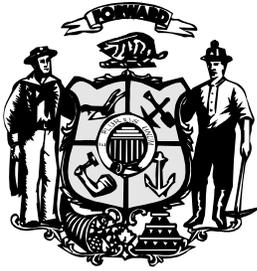
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those 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 Milwaukee,  
Wisconsin, this 8th day of March, 2016

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\sCorinne Balter  
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 8, 2016.

Bureau of Long-Term Support