



FH

[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION
Case #: MSI - 174846

PRELIMINARY RECITALS

Pursuant to a petition filed on June 6, 2016, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Division of Health Care Access and Accountability regarding Medical Assistance (MA), a hearing was held on August 2, 2016, by telephone.

The issue for determination is whether the Division of Health Care Access and Accountability (DHCAA) correctly ended the Petitioner's Medicaid benefits on May 31, 2016.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

;

Respondent:

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

By: Letter

Division of Health Care Access and Accountability
PO Box 309
Madison, WI 53701-0309

ADMINISTRATIVE LAW JUDGE:

Mayumi M. Ishii
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Illinois.

2. In August 2015, DHCAA sent the Petitioner a notice that his Medicaid benefits would continue, while his appeal concerning his Federal SSI benefits was still pending. (See decision issued in case MSI-168026)
3. On May 11, 2016, the Department of Health Services, Division of Health Care Access and Accountability (DHCAA) sent the Petitioner a notice, stating, "Your Wisconsin Medicaid and your State SSI cash benefits will end on 05/31/2016". The notice indicated that Petitioner's benefits were ending because he no longer resided in Wisconsin.
4. The Petitioner filed a request for fair hearing that was received by the Division of Hearings and Appeals on June 6, 2016.

DISCUSSION

In order to receive Medicaid benefits in Wisconsin, a person must be physically present in Wisconsin and the person must express an intent to reside in Wisconsin. *Medicaid Eligibility Handbook (MEH §6.1.1)*

The Petitioner indicated that he is currently in Illinois and will be there indefinitely, until he makes it through the wait list for subsidized housing in Kenosha, Wisconsin. Because the Petitioner is not physically present in Wisconsin, he is not eligible for Medicaid benefits in Wisconsin. He will have to apply for benefits in Illinois.

If I have misunderstood the situation, the Petitioner is directed to the rehearing instructions below.

CONCLUSIONS OF LAW

DHCAA correctly ended the Petitioner's Medicaid benefits on May 31, 2016.

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, **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 15th day of August, 2016

\s _____
Mayumi M. Ishii
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin \DIVISION OF HEARINGS AND APPEALS

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Madison, WI 53705-5400

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Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on August 15, 2016.

Division of Health Care Access and Accountability
State SSI