

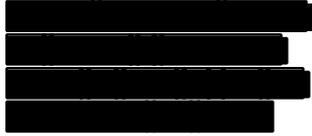


FH



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

In the Matter of



DECISION
Case #: MGE - 175393

PRELIMINARY RECITALS

Pursuant to a petition filed on July 5, 2016, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services regarding Medical Assistance (MA), a hearing was held on September 21, 2016, at Milwaukee, Wisconsin.

There remains no issue for determination.

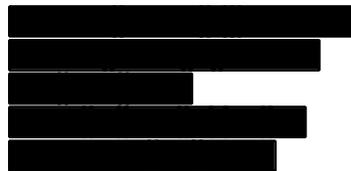
There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Petitioner's Representative:



Respondent:

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

By: 
Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Corinne Balter
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # ) is a resident of Milwaukee County.

2. The petitioner applied for the Family Care Program (FCP). The FCP conducted three long term care functional screens (LTCFSs). Based upon these screens, the FCP concluded that the petitioner was not eligible for the FCP at the nursing home level of care. This denial was appealed and is discussed in a separate decision under case number FCP-175060.
3. The agency states that if the petitioner is found functionally eligible for the FCP at the nursing home level of care under case number FCP-175060, then she will be financially eligible for the FCP most likely with a monthly cost share amount.
4. I have issued a written decision in FCP-175060 concluding that the petitioner is functionally eligible at the nursing home level of care. Thus, there remains no issue with respect to the MA determination as the petitioner will be financially eligible for the FCP.

DISCUSSION

When the petitioner applied for the FCP, the agency also processed the application for Medicaid (MA) benefits. Given the petitioner's income, she was only eligible for MA with a deductible. The agency further concluded that she was not functionally eligible for the FCP at the nursing home level of care. The petitioner ultimately would like to participate in the FCP. The agency stated that if I found her functionally eligible for the FCP at the nursing home level of care, she would be financially eligible most likely with a monthly cost share amount. In FCP-175060 I issued a written decision concluding that the petitioner is functionally eligible for the FCP at the nursing home level of care. The petitioner can enroll in the FCP. She no longer needs MA benefits with a deductible. The issue with respect to this appeal is moot.

CONCLUSIONS OF LAW

There remains no issue for determination.

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 4th day of October, 2016

\s _____
Corinne Balter
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 October 4, 2016.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability
Attorney Robert Ochowicz