



FH
[REDACTED]

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

In the Matter of

[REDACTED]

DECISION

CTS/143000

PRELIMINARY RECITALS

Pursuant to a petition filed August 10, 2012, under Wis. Stat. § 227.42, to review a decision by the Kenosha County Human Service Department in regard to Medical Assistance, a hearing was held on October 10, 2012, at Kenosha, Wisconsin.

The issue for determination is whether Petitioner's application for caretaker supplement benefits (CTS) was correctly denied.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

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

By: Karen Mayer

Kenosha County Human Service Department
8600 Sheridan Road
Kenosha, WI 53143

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Kenosha County.
2. Petitioner applied for caretaker supplement benefits in July 2012.
3. Petitioner was initially send a positive notice of decision dated August 2, 2012 that informed her that she was eligible for backdated caretaker supplement benefits beginning September 2011.

4. The agency determined that it erred in sending the August 2 positive notice and, on August 10, 2012, sent Petitioner a negative notice that informed her that she was not eligible for CTS benefits because she was recipient of W-2 cash benefits.
5. Petitioner did receive W-2 cash benefits through August 2012.

DISCUSSION

The Caretaker Supplement (CTS) program is regulated by Wisconsin Statutes, at §49.775, as well as the *SSI Caretaker Supplement (CTS) Handbook (CTS)*. A person cannot receive CTS benefits for the same month in which they received W-2 cash benefit:

3.1.14 Prohibition Against Concurrent Eligibility With W-2 or Kinship Care
CTS benefits may not be paid to a SSI parent for the same month for which the parent participated in W-2 and received W-2 cash benefits. Receipt of W-2 benefits is defined as the month in which the parent is participating in, and eligible for, W-2 services, regardless of when the parent will receive the payment for that month. Similarly, CTS benefits may not be paid to a SSI parent for a month in which a grandparent or other non-legally responsible relative received Kinship Care benefits for caring for a potential CTS eligible child.
SSI Caretaker Supplement (CTS) Handbook, §3.1.14.

Though I understand Petitioner’s confusion because she was sent a positive notice as well as a negative notice, the above makes clear that the agency’s negative notice is correct. The application was correctly denied because Petitioner was a recipient of W-2 cash benefits in the time of the denial. Petitioner may reapply for the CTS benefit going forward (eligibility is, of course, dependent upon meeting all eligibility criteria) if she has not done so already.

CONCLUSIONS OF LAW

That Petitioner’s application for caretaker supplement benefits was correctly denied as, at the time of the denial, she was receiving W-2 benefits.

THEREFORE, it is ORDERED

That this appeal is dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found 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 served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 23rd day of November, 2012

\sDavid D. Fleming
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 November 23, 2012.

Kenosha County Human Service Department
Division of Health Care Access and Accountability