



FH
[REDACTED]

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

In the Matter of

[REDACTED]

DECISION

MSI/144834

PRELIMINARY RECITALS

Pursuant to a petition filed October 25, 2012, 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 in regard to Medical Assistance, a telephonic hearing was held on November 20, 2012, at Green Bay, Wisconsin. At the request of petitioner, her daughter, [REDACTED] translated for the petitioner.

The issue for determination is whether the petitioner is eligible for continued Wisconsin MA as a Wisconsin SSI recipient as of October 1, 2012.

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: No written summary submission

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Brown County.
2. The Department sent an August 17, 2012 notice to the petitioner that her MA would discontinue October 1, 2012, due to her Federal SSI ending as of September 1, 2012.
3. The petitioner has not applied for Wisconsin Medicaid as of the November 20, 2012 hearing date.

4. The Department sent a notice to the petitioner stating that her State Medical Assistance (MA) would discontinue as of October 1, 2012, due to her federal SSI ending and petitioner not completing and submitting her application for Wisconsin Medicaid. The petitioner timely appealed.

DISCUSSION

Anyone who receives SSI benefits is entitled to receive MA as "categorically needy" under section 49.46(1)(a)4 of the Wisconsin Statutes. Conversely, when SSI eligibility ends so does that person's entitlement to MA under the provisions of that statutory section. As a result, petitioner is no longer eligible for categorically needy Wisconsin MA because she no longer receives federal SSI through the State of Wisconsin as of October 1, 2012. The petitioner was unable to submit any reliable evidence that she continued to receive federal SSI as of September 1, 2012.

During the November 20, 2012 hearing, petitioner was unable to provide any evidence to establish that she has continued to receive federal SSI as of September 1, 2012. However, such decision may be appealed to Social Security to reverse its discontinuance of petitioner's federal SSI, if the petitioner wants to become entitled to Wisconsin "categorically needy" MA. During the hearing, petitioner admitted that she has not yet applied for Wisconsin MA as of the November 20, 2012 hearing date. Accordingly, based upon the above, I must conclude that because petitioner did not establish with any documentation that she was eligible for continued federal SSI as of September 1, 2012, the Department correctly discontinued the petitioner's State MA as of October 1, 2012.

CONCLUSIONS OF LAW

The petitioner is not eligible for Wisconsin MA as a SSI recipient because she did not currently receive federal SSI as of September 1, 2012; thus, it was correct to discontinue petitioner's eligibility for Wisconsin MA effective October 1, 2012 as a SSI recipient

THEREFORE, it is

ORDERED

The petition for review herein be and the same is hereby 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 Madison,
Wisconsin, this 7th day of January, 2013

\sGary M. Wolkstein
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 January 7, 2013.

Division of Health Care Access And Accountability
State SSI