



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

MGE/145287

PRELIMINARY RECITALS

Pursuant to a petition filed November 16, 2012, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance, a telephonic hearing was held on December 12, 2012, at Milwaukee, Wisconsin.

The issue for determination is whether Milwaukee Enrollment Services correctly denied petitioner's November 5, 2012 Medical Assistance (MA) application due to lack of non-financial eligibility.

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: Mary Hartung, HSPC senior
Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a 57 year old resident of Milwaukee County who applied for Medical Assistance (MA) on November 5, 2012.
2. The petitioner is not blind or pregnant, and has no minor children residing with her.

3. The petitioner has not been found disabled by the Disability Determination Bureau (DDB) as of the date of the December 12, 2012 hearing.
4. Milwaukee Enrollment Services (MES) sent a November 9, 2012 Notice of Decision to the petitioner stating that her MA application was denied because she was under 65 years of age, with no minor children, not blind or disabled (as determined by the Disability Determination Bureau). See Exhibit 2.

DISCUSSION

To qualify for MA, a person must be both nonfinancially and financially eligible. Nonfinancial eligibility exists for persons who are under 18, age 65 or older, blind, disabled, or the parent of a “deprived” child. Wis. Stat. §§49.46(1), 49.47(4). A “deprived” child would have the primary wage earner in the home incapacitated or unemployed. During the December 12, 2012 hearing, petitioner admitted that she was not over 65 years old, blind, or the parent of a minor child who resided with her. There is no evidence in the record that as of the December 12, 2012 hearing petitioner was found “disabled” by the Disability Determination Bureau (DDB).

During the December 12, 2012 hearing, petitioner was unable to provide any evidence to indicate that she was non-financially eligible for MA. The petitioner did not contest that she has not been found presumptively disabled. Based upon the hearing evidence, I conclude that the petitioner was unable to provide any testimony or evidence to refute MES’ case that she was non-financially ineligible for MA, as she was not over 65, blind, caring for a minor child, or determined “disabled” by the Disability Determination Bureau (DDB). Accordingly, Milwaukee Enrollment Services correctly denied petitioner’s November 5, 2012 MA application due to non -financial ineligibility for MA.

CONCLUSIONS OF LAW

Milwaukee Enrollment Services correctly denied petitioner’s November 5, 2012 MA application due to non-financial ineligibility for MA.

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 14th 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 14, 2013.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability