



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MGE/145789

PRELIMINARY RECITALS

Pursuant to a petition filed December 05, 2012, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Washington County Department of Social Services in regard to Medical Assistance, a hearing was held on April 08, 2013, at Juneau, Wisconsin. At the request of petitioner, hearings set for February 1, 2012 and February 26, 2012 were rescheduled.

The issue for determination is whether the county agency correctly denied petitioner's October 15, 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]
[REDACTED]
[REDACTED]

Respondent:

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

By: Ken Benedum, ESS

Washington County Department of Social Services
333 E. Washington Street
Suite 3100
West Bend, WI 53095

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is currently a 52 year old resident of Dodge County who applied for Medical Assistance (MA) on October 15, 2012 at the Washington county agency.
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 April 8, 2013 hearing.
4. The county agency sent a December 13, 2012 manual negative notice 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).

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 April 8, 2013 hearing, petitioner admitted that she was not over 65 years old, blind, or the parent of a minor child who resided with her. Petitioner also admitted that as of the April 8, 2013 hearing petitioner had not yet applied for or been found “disabled” by the Disability Determination Bureau (DDB).

During the April 8, 2013 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 the county agency’s 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, the county agency correctly denied petitioner’s October 15, 2012 Medical Assistance (MA) application due to lack of non-financial eligibility.

CONCLUSIONS OF LAW

The county agency correctly denied petitioner’s October 15, 2012 Medical Assistance (MA) application due to lack of non-financial eligibility.

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 9th day of April, 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 April 9, 2013.

Washington County Department of Social Services
Division of Health Care Access and Accountability