



FH
[REDACTED]

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

In the Matter of

[REDACTED]

DECISION

MGE/146592

PRELIMINARY RECITALS

Pursuant to a petition filed January 15, 2013, under Wis. Admin. Code, §HA 3.03(1), to review a decision by the Milwaukee County Disability Services Division (DSD) in regard to Medical Assistance (MA), a hearing was held on March 6, 2013, by telephone.

The issue for determination is whether petitioner applied for IDAP.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

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

By: Miguel Torres, Barbara Harris
Milwaukee Cty. Disability Services Division
1220 W. Vliet Street
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. IDAP is a Milwaukee County program that provides interim medical coverage for individuals who have applied for Supplemental Security Income (SSI) with the Social Security Administration but whose eligibility for SSI has not been finalized.
3. Petitioner filed this appeal because he was told by someone at the Vliet Street agency that he was not eligible for IDAP, but then was told later that he could be eligible.

4. At the time petitioner filed this appeal he had not applied for IDAP. After filing the appeal he did apply and the application is pending the filing of medical paperwork.

DISCUSSION

The Division of Hearings and Appeals has jurisdiction over the Wisconsin Medical Assistance program under the authority of Wis. Stat., §49.45(5). IDAP is not a subprogram of MA; it is a Milwaukee County program run separately from MA. Thus the Division of Hearings and Appeals does not have authority to make any order concerning petitioner's IDAP status.

That said, petitioner had not applied for IDAP when he filed this appeal, and the application he filed later still is pending. A judge cannot rule on a person's eligibility dating back 4 -6 years unless the person actually applies for the program and is denied for any period of time.

CONCLUSIONS OF LAW

The Division of Hearings and Appeals does not have jurisdiction over petitioner's appeal of IDAP eligibility.

THEREFORE, it is

ORDERED

That 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 March, 2013

\sBrian C. Schneider
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 March 7, 2013.

Milwaukee Cty Disability Services Division -DSD
Division of Health Care Access and Accountability