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

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In the Matter of

██████ ██████  
████████████████  
████████████████

DECISION

MDD/148115

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**PRELIMINARY RECITALS**

Pursuant to a petition filed January 11, 2013, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Rock County Department of Social Services in regard to Medical Assistance, a telephone hearing was held on April 22, 2013.

No issue remains for determination.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

██████ ██████  
████████████████  
████████████████

Respondent:

Department of Health Services  
1 West Wilson Street  
Madison, Wisconsin 53703  
By: No Appearance

**ADMINISTRATIVE LAW JUDGE:**

Peter McCombs  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a resident of Rock County.
2. Petitioner applied for MA on October 15, 2012. By a notice dated December 12, 2012, the respondent determined that petitioner was not disabled. Petitioner sought reconsideration on January 11, 2013. In its remand decision, noted on its Medicaid Decision Worksheet, the respondent checked the box indicating:

Reconsideration decision reversed to allowance; onset of October 4, 2012 less than fully favorable.

**DISCUSSION**

A person between ages 18 and 65, with no minor children, must be blind or disabled to be eligible for MA. A finding of disability must be in accordance with federal social security/SSI standards. See Wis. Stat. § 49.47(4)(a)4. Petitioner testified that the onset of his disability was October 4, 2012, at which time he suffered various injuries and underwent a hip replacement, and had a metal plate installed in his wrist. He noted that his physician determined that petitioner would be unable to work for one year.

Following an initial denial and subsequent reconsideration request, the respondent reversed its reconsideration decision to allowance, finding an onset date of October 4, 2012. As the denial has been changed to an allowance, and since the onset date is the same as the date requested by petitioner in his initial application, it does not appear that there is any issue remaining for determination.

**CONCLUSIONS OF LAW**

Petitioner is disabled with an onset date of October 4, 2012.

**THEREFORE, it is**

**ORDERED**

That the matter be remanded to the respondent with instructions to process petitioner's MA eligibility based upon his October 15, 2012, application, with a finding that petitioner is disabled with an onset date of October 4, 2012. The respondent shall take this action within 10 days of this decision.

**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 28th day of May, 2013

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\sPeter McCombs  
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 May 28, 2013.

Rock County Department of Social Services  
Disability Determination Bureau