



FH

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

In the Matter of

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

DECISION

MDD/148270

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 Polk County Department of Social Services in regard to Medical Assistance, a hearing was held on May 22, 2013, at Balsam Lake, Wisconsin. A hearing scheduled for April 17, 2013, was rescheduled at the petitioner's request.

The issue for determination is whether the petitioner is disabled.

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:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner is a resident of Polk County.
2. The Disability Determination Bureau most recently denied the petitioner's application for medical assistance based upon a disability on March 22, 2013.
3. The petitioner is 27 years old. He has attended college without graduating and can speak and write the English language. He received mostly A and B grades in high school and college. His full-scale IQ is in the 97th percentile. He reports difficulty remembering things. He scored in the

91stth percentile when tested on his immediate memory for verbal material and the 77th percentile for memory for verbal material after a 30-minute delay. His immediate and delayed memory of complex verbal material was in the 55th percentile. His short-term memory of a line drawing was in the 42nd percentile and his delayed memory of the drawing was in the 90th percentile. Most scores on portions of tests pertaining to organization and logical reasoning were well above average, but he did score in the 16th percentile on a portion of one test of these skills.

4. The petitioner developed juvenile onset diabetes. This led to gastroparesis that caused him to vomit frequently and drop of college at the UW-Stout after being hospitalized 13 times. These stomach problems have not occurred since February 2012.
5. The petitioner can lift 15 to 20 pounds. He has no problems standing, sitting, or walking.
6. The petitioner suffers from anxiety that inhibits him from going out in public. He has difficulty interacting with his family. However, he does drive himself to see friends in the Twin Cities area about once a month.
7. The petitioner has depression and lacks motivation to work outside the house or do household chores. As of April 2013, he reported to his mental health professional that he did not feel tense or anxious. He also reported that although he is “not depressed per se” his mood is “not happy or satisfied” and he is concerned about doing something in the future and “meaningfulness.”

DISCUSSION

CONCLUSIONS OF LAW

The petitioner is not disabled.

THEREFORE, it is

ORDERED

The petitioner's appeal is 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 4th day of June, 2013

\sMichael D. O'Brien
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

David H. Schwarz
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on June 4, 2013.

Polk County Department of Social Services
Disability Determination Bureau