



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MGE/148421

PRELIMINARY RECITALS

Pursuant to a petition filed March 28, 2013, 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 23, 2013, at West Bend, Wisconsin.

The issue for determination is whether the agency properly terminated the Petitioner's Medicaid (MA) benefits effective April 1, 2013.

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: Kenneth Benedum

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

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Washington County.

2. On March 4, 2013, the Petitioner contacted the agency to discuss FS benefits. She reported during the conversation that she was recently denied disability from the Social Security Administration.
3. The agency confirmed with the Social Security Administration that Petitioner does not currently have a disabled status. Petitioner is not elderly or blind.
4. On March 11, 2013, the agency issued a Notice of Decision to the Petitioner informing her that her MA benefits would end effective April 1, 2013 due to her not meeting the non-financial criteria.
5. On March 28, 2013, the Petitioner filed an appeal with the Division of Hearings and Appeals.

DISCUSSION

To be eligible for Medicaid, an individual must be elderly, blind, or disabled. See Medicaid Eligibility Handbook (MEH) § 4.1.

An individual who is blind or disabled is non-financially eligible for Medicaid. Disability and blindness determinations are made by the Disability Determination Bureau in the Department of Health and Family Services. MEH § 5.2.

In this case, it is not clear to me from the evidence how the Petitioner was previously eligible for Medicaid though it appears that there may have been a presumptive disability determination. In any case, it is clear from the evidence that Petitioner is not elderly or blind and that there is no disability finding. Therefore, she does not currently meet the non-financial criteria for Medicaid. This does not preclude the Petitioner from reapplying should her disability status change.

CONCLUSIONS OF LAW

The Petitioner does not meet non-financial criteria for Medicaid eligibility.

THEREFORE, it is

ORDERED

That the petition be, and hereby 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 Milwaukee,
Wisconsin, this 20th day of June, 2013

\sDebra Bursinger
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 June 20, 2013.

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