



FH

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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

MDD/149188

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**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 Disability Determination Bureau (DDB) denying a disability based Medicaid application, a hearing was held on May 29, 2013, at Sheboygan, Wisconsin. A decision was issued on July 9, 2013 that sustained the DDB denial. Petitioner filed a rehearing request with the Division of Hearings and Appeals on July 17, 2013. That request was granted though with a narrow focus.

The issue for determination for rehearing is whether Petitioner has provided any records or documentation to show that the Social Security Administration will not consider a possible new diagnosis for a disability claim that it has denied and is waiting for a hearing.

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, Room 651  
Madison, Wisconsin 53703

By: No Appearance, submission of medical file

**ADMINISTRATIVE LAW JUDGE:**

David D. Fleming  
Division of Hearings and Appeals

A rehearing was granted here to give Petitioner an opportunity to demonstrate that the Social Security Administration had declined to consider a new medical diagnosis. Nothing has been received from Petitioner to show that. The deadline for submission was November 25, 2013.

**CONCLUSIONS OF LAW**

That Petitioner has not provided any records or documentation that the federal Social Security Administration has refused to consider a potential new medical diagnosis.

**THEREFORE, it is**

**ORDERED**

That this appeal is dismissed.

**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, Room 651, 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 3rd day of December, 2013

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\sDavid D. Fleming  
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 December 3, 2013.

Sheboygan County Department of Human Services  
Disability Determination Bureau