



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MGE/149723

PRELIMINARY RECITALS

Pursuant to a petition filed May 23, 2013, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Grant County Department of Social Services ["County"] in regard to Medical Assistance ["MA"], a Hearing was held via telephone on July 16, 2013. The Hearing for this matter was held at the same time as the Hearing for the following closely related matter concerning the same petitioner: FCP-149608.

The issue for determination is whether petitioner is eligible for MA as a Supplement Security Income ["SSI"] recipient.

There appeared at that time via telephone the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Kathy Pozorski, ESS
Laura Kloosterboer, FCP Care Manager
Mari Wipperfurth, Member Rights Specialist, Southwest Family Care Alliance
Grant County Department of Social Services
Hwys 35 and 61 South
PO Box 447
Lancaster, WI 53813

OTHER PERSON PRESENT:

[REDACTED], petitioner's mother

ADMINISTRATIVE LAW JUDGE:
Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]; currently 19 years old) is a resident of Grant County.
2. Effective April 30, 2013 petitioner's Supplemental Security Income ["SSI"] from the federal government ended due to the Social Security Administration ["SSA"] determining that he is no longer disabled (petitioner had previously been determined to have been presumptively disabled).
3. Effective May 1, 2013 the Wisconsin Department of Health Services ["DHS"] discontinued petitioner's SSI-related MA because he was no longer receiving federal SSI.

DISCUSSION

Anyone who receives SSI benefits is entitled to receive MA as *categorically needy* under section 49.46(1)(a)4 of the Wisconsin Statutes. Conversely, when SSI eligibility ends so does that person's entitlement to MA under the provisions of this statutory section. Petitioner may nonetheless be *medically needy* and eligible for MA under other statutory provisions. See, Wis. Stat. § 49.47 (2011-12). The *medically needy* determination is made through a separate application.

In the instant case, petitioner is no longer eligible for *categorically needy* MA because he no longer receives SSI. However, petitioner may be eligible for *medically needy* MA. Petitioner should file an application for *medically needy* MA if he has not already done so. If his *medically needy* MA application is denied petitioner may request a Hearing regarding that action.

CONCLUSIONS OF LAW

The petitioner is not eligible for MA as an SSI recipient because he no longer receives SSI.

NOW, 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 19th day of July, 2013

\sSean P. Maloney
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 July 19, 2013.

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