



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

MGE/150929

PRELIMINARY RECITALS

Pursuant to a petition filed July 26, 2013, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Kenosha County Human Service Department in regard to Medical Assistance, a hearing was held on September 12, 2013, at Kenosha, Wisconsin. The record was held open to obtain additional information from the Disability Determination Bureau. The Petitioner submitted additional information on September 10 and 13, 2013. Additional information was submitted from the DDB on September 12, 2013. The record was closed on September 13, 2013.

The issue for determination is whether the county agency properly terminated the Petitioner's Medicaid benefits.

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: Karen Mayer
Kenosha County Human Service Department
8600 Sheridan Road
Kenosha, WI 53143

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [redacted]) is a resident of Kenosha County.

2. On July 18, 2013, the Social Security Administration issued a notice informing the Petitioner that it had determined he Petitioner is no longer disabled effective July 11, 2013.
3. On July 19, 2013, the county agency issued a Notice of Decision to the Petitioner informing him that his MA benefits would end effective August 1, 2013 because he no longer meets the eligibility criteria.
4. On July 26, 2013, the Petitioner filed an appeal with the Division of Hearings and Appeals.

### **DISCUSSION**

With certain exceptions not applicable here, a person must be receiving federal SSI or SSDI benefits in order to be eligible for Medicaid as a disabled individual. Wis. Stat. § 49.77. Though it was not clear at the hearing by what process the county agency was notified of the Social Security Administration's determination, the Petitioner did not dispute that SSA had, in fact, determined he is no longer disabled effective July 11, 2013 and discontinued his SSI or SSDI benefits. Because it is not disputed that the federal SSA found the Petitioner no longer disabled and he is no longer receiving SSI or SSDI benefits, the Petitioner is no longer eligible to receive SSDI-related Medicaid, and the agency was correct to discontinue those benefits to the Petitioner.

It should be noted that Petitioner stated he was working on an appeal of the SSA determination. If, at some future date, his federal SSDI cash benefits are restored, then the State (through the county agency) will restore the state-issued benefits for the period in which he is found eligible by the SSA. Under the facts in this record, his appeal must be dismissed.

According to information from the DDB, the Petitioner has not filed a recent Medicaid Disability Application (MADA) with the DDB. The Petitioner may desire to contact the county agency to make inquiry about his potential for filing an MADA as a disabled person or inquire about services from MA waiver programs.

There was some confusion at the hearing regarding how the county agency was notified of the SSA's determination. I believe there was an assumption that the Petitioner had filed an MA Disability Application with the DDB and the notification might have come from the DDB. Because he had not filed an MADA with DDB, the notification likely came from the SSA through a computer data match and did not come from DDB. In any case, because there is no dispute that SSA found the Petitioner no longer disabled, the agency has no option but to end the SSI or SSDI-related Medicaid.

### **CONCLUSIONS OF LAW**

The agency properly terminated the Petitioner's MA benefits effective August 1, 2013.

**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 11th day of October, 2013

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\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 October 11, 2013.

Kenosha County Human Service Department  
Division of Health Care Access and Accountability