



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

MGE/151456

PRELIMINARY RECITALS

Pursuant to a petition filed August 17, 2013, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Dane County Department of Human Services in regard to Medical Assistance, a hearing was held on September 24, 2013, at Madison, Wisconsin.

The issue for determination is whether the respondent correctly determined petitioner ineligible for Medical Assistance due to lack of non-financial qualification.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Petitioner's Representative:



Respondent:

Department of Health Services
1 West Wilson Street
Madison, Wisconsin 53703
By: Heidie Feldmann
Dane County Department of Human Services
1819 Aberg Avenue
Suite D
Madison, WI 53704-6343

ADMINISTRATIVE LAW JUDGE:

Peter McCombs
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [redacted]) is a resident of Dane County.
2. On or about August 6, 2013, the Disability Determination Bureau determined that petitioner was not disabled. The petitioner has appealed that finding.

3. Respondent was informed of the 'no disability' finding by the Disability Determination Bureau (DDB), and subsequently notified the petitioner, on or about September 1, 2013, that she was no longer eligible for Medical Assistance, as she was not non-financially eligible.

DISCUSSION

In order to be non-financially eligible to receive Elderly, Blind or Disabled Medical Assistance, you must be 65 or older, blind or disabled. Wis. Stat. § 49.47(4)(a). In order to be non-financially eligible to receive one of the forms of BadgerCare, you must be a child 18 or under, or the caretaker or parent of such a child. Wis. Stat. § 49.47(4)(ag).

The petitioner is 40 years old. She is not blind. She has a complicated medical history, including a recent stroke, but she was found not disabled by the DDB for MA-Disability purposes. This means she is not disabled for MA purposes at present, and she will not be unless and until she receives a favorable disability determination from the DDB and/or Social Security. The respondent had no choice under law but to end her eligibility.

CONCLUSIONS OF LAW

The petitioner does not meet any non-financial criteria for Elderly, Blind or Disabled MA because she is 40, not blind, and determined by the Disability Determination Bureau to be currently not disabled; this determination is binding on the MA Program as to disability status at present.

THEREFORE, it is

ORDERED

That the petition for review herein be, and the same 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 Madison,
Wisconsin, this 4th day of November, 2013

\sPeter McCombs
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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5005 University Avenue
Madison, WI 53705-5400

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

Dane County Department of Human Services
Division of Health Care Access and Accountability