



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MSI/153234

PRELIMINARY RECITALS

Pursuant to a petition filed October 29, 2013, under Wis. Stat., §49.45(5), to review a decision by the Division of Health Care Access And Accountability (DHCAA) to discontinue Medical Assistance (MA), a hearing was held on December 3, 2013, by telephone.

The issue for determination is whether petitioner is eligible for MA after his SSI ended.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703
By: No appearance

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a 19-year-old resident of Milwaukee County.
2. Petitioner received Supplemental Security Income (SSI). The Social Security Administration (SSA) discontinued his SSI because of a conclusion that he no longer was disabled. The State SSI office then notified petitioner that state SSI and MA would end October 31, 2013.

DISCUSSION

Anyone who receives SSI benefits is entitled to receive MA as "categorically needy" under Wis. Stat., §49.46(1)(a)4. Conversely, when SSI eligibility ends so does that person's entitlement to MA under the provisions of this statutory section.

At this point the only way that petitioner can get MA is if he is disabled. He would have to follow up with the Social Security Administration to get a new disability determination.

There is a provision that allows for MA to continue if the SSA determines him to be no longer disabled. However, the person must have appealed the SSA determination, and it does not appear that petitioner filed a social security appeal.

Another possibility is that petitioner may wish to consider re-applying for Wisconsin Medicaid for January onward online at either <https://access.wisconsin.gov> or www.healthcare.gov. As of this moment from January 1, 2014 forward, a person with income below \$11,170 will not have to prove that he is disabled to qualify for Wisconsin Medicaid. The legislature currently is considering moving that date back to April 1, 2014, however, although no legislation has been passed yet.

CONCLUSIONS OF LAW

Petitioner is not eligible for MA because he no longer receives SSI as a disabled person.

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, 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 Madison,
Wisconsin, this 10th day of December, 2013

\sBrian C. Schneider
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 10, 2013.

Division of Health Care Access And Accountability
State SSI