



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MSI/153664

PRELIMINARY RECITALS

Pursuant to a petition filed November 20, 2013, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Division of Health Care Access And Accountability (DHCAA or Division) in regard to Medical Assistance (MA), a hearing was held on December 18, 2013, at Milwaukee, Wisconsin.

The issue for determination is whether the Division correctly sought to discontinue the petitioner's SSI-related coverage effective December 31, 2013.

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: Melissa Sherry (written submission)

ADMINISTRATIVE LAW JUDGE:

Nancy J. Gagnon
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Prior to December 31, 2013, the petitioner received MA due to her status as an SSI recipient. The Department notified the petitioner on November 18, 2013, that her SSI-related MA benefits would be discontinued effective December 31, 2013. The petitioner belatedly appealed, and apparently did not re-apply with her local agency for an alternate form of MA.

3. Prior to October 1, 2013, the federal Social Security Administration (SSA) notified the petitioner that her federal SSI payments would be discontinued effective December 1, 2013.

DISCUSSION

The petitioner was receiving MA based on her status as a recipient of federal SSI benefits. See, Wis. Stat. § 49.46(1)(a)4. There is no dispute that her federal SSI stopped on or before November 30, 2013. Therefore the petitioner cannot continue to receive MA based on SSI recipient status. However, the petitioner may be eligible for another form of MA, due to her status as a disabled person. See, § 49.47(a). The petitioner was advised at hearing to file a new MA application at her local agency to learn if she qualifies for so-called EBD MA.

CONCLUSIONS OF LAW

1. The Department correctly discontinued the petitioner's SSI-based MA certification, because the petitioner is no longer receiving federal SSI benefits.

THEREFORE, it is

ORDERED

That the petition 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, 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 23rd day of December, 2013

\sNancy J. Gagnon
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 23, 2013.

Division of Health Care Access And Accountability
State SSI