



STATE OF WISCONSIN  
Division of Hearings and Appeals

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

MGE/153663

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**PRELIMINARY RECITALS**

Pursuant to a petition filed November 25, 2013, under Wis. Stat., §49.45(5), to review a decision by the Calumet County Dept. of Human Services to discontinue Medical Assistance (MA), a hearing was held on February 18, 2014, by telephone. A hearing set for January 23, 2014 was rescheduled at the petitioner's request.

The issue for determination is whether the county correctly discontinued presumptive disability MA.

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703

By: Jennifer Middlecoffer  
Calumet County Dept. of Human Services  
206 Court Street  
Chilton, WI 53014-1198

**ADMINISTRATIVE LAW JUDGE:**

Brian C. Schneider  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Calumet County.
2. Petitioner applied for MA on September 17, 2013. While his disability application was being reviewed, he was granted presumptive disability (PD) MA.
3. On October 16, 2013, the Disability Determination Bureau (DDB) determined that petitioner was not disabled. By a notice dated October 22, 2013, the county informed petitioner that MA would end December 1, 2013, due to the finding of no disability.

## DISCUSSION

An adult male between ages 18 and 65 who does not have minor children can be eligible for MA only if he is blind or disabled. Wis. Stat. §§49.46(1)(a) & 49.47(4)(a). The definition of disability is in accordance with federal SSI standards. Since petitioner has been found to be not disabled, he is not eligible for MA.

The MA Handbook, Appendix 5.9.6.3, provides as follows: “If the DDB denies a disability application their decision reverses a PD decision made by the IM worker or by DDB. Terminate Medicaid eligibility following timely notice requirements. Medicaid eligibility based on a PD decision does not continue during the period a person is appealing DDB's decision that they are not disabled.”

The disability process works as follows. A disability application is sent to the DDB. If the DDB finds no disability, it informs the applicant, and sends him an application for reconsideration. If he seeks reconsideration, and is denied again, then a hearing before the Division of Hearings and Appeals is scheduled.

I note that as of April 1, 2013, petitioner likely will be eligible for BadgerCare Plus (BC+) MA. Under a new law individuals with yearly income less than \$11,700 are eligible for MA regardless of disability or caring for minor children.

## CONCLUSIONS OF LAW

The county correctly closed presumptive disability MA when petitioner was found to be not disabled.

**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 31st day of March, 2014

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\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 March 31, 2014.

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