



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MSI/153671

PRELIMINARY RECITALS

Pursuant to a petition filed November 21, 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 in regard to Medical Assistance, a hearing was held on January 21, 2014, at Shell Lake, Wisconsin.

The issue for determination is whether the petitioner continues to be eligible for medical assistance as a result of receiving federal SSI benefits.

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: Vickie Gavin (written submission)

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Washburn County.
2. The Department notified the petitioner on November 18, 2013, that her state SSI and her medical assistance would end because she was no longer eligible for federal SSI benefits.
3. The petitioner remains eligible for federal SSI benefits.

DISCUSSION

Anyone who receives SSI benefits is entitled to receive medical assistance as “categorically needy” under Wis. Stat. § 49.46(1)(a)4. The petitioner was disabled and received SSI payments along with medical assistance based upon her disability. The state notified the petitioner that her medical assistance would end because her federal SSI benefits were ending. However, on December 20, 2013, the State SSI Unit indicated in a letter to the Division of Hearings and Appeals that the federal program had notified it that she remained eligible for these benefits. In addition, the petitioner submitted a notice from the Social Security Administration indicating that she remained eligible. As a result, she remains eligible for medical assistance.

CONCLUSIONS OF LAW

The petitioner remains eligible for medical assistance because she continues to receive federal disability benefits.

THEREFORE, it is

ORDERED

That this matter is remanded to the State SSI Unit with instructions that within 10 days of the date of this decision it certify to the Division of Hearings and Appeals that the petitioner remains eligible for medical assistance.

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 27th day of January, 2014

\sMichael D. O'Brien
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on January 27, 2014.

Division of Health Care Access and Accountability
State SSI