



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

CWA/153944

PRELIMINARY RECITALS

Pursuant to a petition filed December 8, 2013, under Wis. Admin. Code, §HA 3.03, to review a decision by the Milwaukee Enrollment Services in regard to the IRIS program, a hearing was held on January 15, 2014, by telephone.

No issue remains for determination.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Chris Sobczak
Milwaukee Enrollment Services
1220 W. Vliet Street
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

DISCUSSION

Petitioner (CARES # [REDACTED]) appealed the imposition of a monthly cost share amount for his IRIS case following a renewal done in August, 2013. During the hearing it was mentioned that he continues to receive Supplemental Security Income (SSI), but the agency record showed no SSI, which led petitioner being moved from Group A IRIS eligibility with no cost share to Group B eligibility with a cost share. Following the hearing I verified that petitioner still receives State of Wisconsin SSI (but not federal SSI), and the agency agreed that the imposition of a cost share was incorrect. The agency agreed to remove the cost share retroactively and to continue petitioner's IRIS eligibility as a Group A individual.

THEREFORE, it is

ORDERED

That the matter be remanded to the agency with instructions to remove the cost share liability from petitioner's IRIS case retroactive to the date the cost share was imposed, and to continue petitioner's IRIS eligibility as a Group A individual with no cost share. The agency shall take the action within 10 days of this decision if it has not already done so.

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 16th day of January, 2014

\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 January 16, 2014.

Milwaukee Enrollment Services
Bureau of Long-Term Support