



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MGE/154432

PRELIMINARY RECITALS

Pursuant to a petition filed December 23, 2013, under Wis. Stat., §49.45(5), to review a decision by Milwaukee Enrollment Services to discontinue Medical Assistance (MA), a hearing was held on January 21, 2014, by telephone.

The issue for determination is whether petitioner can receive MA beyond November, 2013.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Jose Silvestre, Jr.
Milwaukee Enrollment Services
1220 W. Vliet St.
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner applied for MA on November 26, 2013. He is under age 65 and has no children in his care. He alleged in his application that he was disabled, but no disability determination had been made at that point. Petitioner also filed the disability paperwork and was asked to sign authorizations to release medical records.
3. An agency worker mistakenly coded in that petitioner was disabled, and MA was granted for November, 2013.

4. Almost immediately after the error was caught, and the disability code was removed. By a notice dated December 18, 2013 the agency notified petitioner that MA was denied for December 1, 2013 and beyond.
5. Petitioner did not return the authorizations to release records, and the disability application was closed.

DISCUSSION

To be eligible for MA, an adult male under age 65 must be disabled, blind, or the caretaker of minor children. Wis. Stat., §§49.46(1) and 49.47(4). To qualify as disabled, a person must meet the definition of that term as it is used for SSI purposes. Wis. Stat., §49.47(4)(a)4.

It clearly was an error to grant petitioner MA eligibility for November because he was never determined to be disabled, but it was an error that saved him from a huge hospital bill. Petitioner asks that MA be extended into December, when he had some follow-up doctor visits, but this office has no authority to grant such an extension when petitioner was not eligible for the program.

CONCLUSIONS OF LAW

Petitioner was ineligible for MA in December, 2013 because he met no eligibility criterion.

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 24th 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 24, 2014.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability