



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

██████████ ██████████
██████████
██████████

DECISION

MDD/155281

PRELIMINARY RECITALS

Pursuant to a petition filed November 21, 2013, under Wis. Stat., §49.45(5), to review a decision by the Disability Determination Bureau (DDB) to deny disability for Medical Assistance (MA) purposes, a hearing was scheduled on March 18, 2014, by telephone.

No issue remains for determination.

PARTIES IN INTEREST:

Petitioner:

██████████ ██████████
██████████
██████████

Petitioner's Representative:

Atty. Guy-Robert Detlefsen, Jr.
464 Daly Ave., Suite 2
Wisconsin Rapids, WI 54494

Respondent:

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

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a 57-year-old resident of Portage County.
2. Petitioner applied for MA on May 17, 2013. By a letter dated October 10, 2013, the DDB determined that petitioner was not disabled. Petitioner sought reconsideration, but the DDB affirmed its determination on January 28, 2014.
3. Petitioner also applied for Social Security and Supplemental Security Income (SSI). Those benefits were denied by the Social Security Administration (SSA) in March, 2013.
4. On February 5, 2014, a Social Security Administrative Law Judge found that petitioner was disabled effective March 1, 2013.

DISCUSSION

A person between ages 18 and 65, with no minor children, must be blind or disabled to be eligible for MA. A finding of disability must be in accordance with federal Social Security/SSI standards. See Wis. Stat., §49.47(4)(a)4. Because the standards are the same, a disability finding for social security/SSI purposes is binding on a State Medicaid (MA) agency. See 42 C.F.R. § 435.541(a); see also U.S. Department of Health and Human Services commentary, 54 Fed. Reg. 236 (1989).

Because the SSA has now found petitioner to be disabled effective March 1, 2013, I will follow that determination and order petitioner's MA to be processed retroactive to that date.

CONCLUSIONS OF LAW

Petitioner is disabled with an onset date of March 1, 2013.

THEREFORE, it is

ORDERED

That the matter be remanded to the Portage County economic support agency with instructions to continue processing petitioner's May 17, 2013 MA application for financial eligibility on the basis that she was disabled with an onset date of March 1, 2013. The county shall do so and inform petitioner of the eligibility determination within 10 days of this decision subject to any necessary delays for verification.

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 7th day of March, 2014

\sBrian C. Schneider
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 March 7, 2014.

Portage County Department of Human Services
Disability Determination Bureau
Attorney Guy-Robert Detlefsen, JR