



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

In the Matter of

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

DECISION

MDD/155968

PRELIMINARY RECITALS

Pursuant to a petition filed March 05, 2014, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the St. Croix County Department of Human Services in regard to Medical Assistance, a hearing was held on April 15, 2014, at New Richmond, Wisconsin.

The issue for determination is whether the petitioner is disabled.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

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

Respondent:

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

By: No Appearance

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner is a resident of St. Croix County.
2. The petitioner's application for medical assistance based upon a disability was most recently denied on March 7, 2014.
3. The petitioner is 27 years old.
4. The petitioner has no significant physical problems.

5. The petitioner has severe anxiety and a loss of interest in life. Medication can control his symptoms and allow him to function well enough to perform basic work activities.

DISCUSSION

The petitioner seeks medical assistance based upon a disability. To qualify as disabled, he must meet the disability standard set by Supplemental Security Income (SSI) regulations. Wis. Stat. § 49.47(4)(a)4. The applicable SSI disability standards are found in the Code of Federal Regulations, Title 20, Part 416, Subpart I, and by reference Appendices 1 and 2, Subpart P, Part 404. He is disabled if he cannot engage in any substantial gainful activity because of a medically determinable physical or mental condition that will or has lasted at least twelve months. The Disability Determination Bureau determines if an applicant meets this definition by evaluating in sequence his current employment status, the severity of his medical condition, and his ability to return to vocationally relevant past work or to adapt to new forms of employment. 20 C.F.R. § 416.905 and § 416.920.

The petitioner has had severe anxiety and a loss of interest in life. This, he testified, has led him to get fired from his last several jobs. Both he and a person who knows him well testified that he can get medication that, if taken, will allow him to function well enough to complete the basic activities of life. I understand that medication is expensive and that he might not have been able to afford it in the past, but medical assistance now covers single persons who make under 100% of the federal poverty level, so he no longer has any reason to go without his medication. Because he can function with his medication, and because he must demonstrate that his disability will prevent him from working for at least one year, he is not disabled.

CONCLUSIONS OF LAW

The petitioner is not disabled because he can function well enough to perform at least sedentary work if he takes his medication.

THEREFORE, it is

ORDERED

The petitioner's appeal is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or 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 filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of

Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 29th day of April, 2014

\sMichael D. O'Brien
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 April 29, 2014.

St. Croix County Department of Human Services
Disability Determination Bureau