



STATE OF WISCONSIN  
Division of Hearings and Appeals

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In the Matter of

██████████ ██████████  
██  
██

DECISION

MDD/157083

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**PRELIMINARY RECITALS**

Pursuant to a petition filed March 10, 2014, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Sawyer County Human Services in regard to Medical Assistance, a hearing was held on May 15, 2014, at Hayward, Wisconsin.

There is no issue for determination because the petitioner is enrolled in a full-benefit medical assistance program.

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 Sawyer County.
2. The petitioner applied for medical assistance based upon a disability on November 11, 2013.
3. The petitioner was found eligible for BadgerCare Plus on or after April 1, 2014.
4. The petitioner has no outstanding medical bills that would be covered if she were found retroactively eligible for medical assistance based upon a disability.

### DISCUSSION

Until April 1, 2014, a person without minor children usually could receive medical assistance if she had been found disabled. *See* Wis. Stat. § 49.47(4)(a)4. The petitioner applied for medical assistance based upon a disability on November 11, 2013. Those benefits were most recently denied on April 21, 2014. As of April 1, 2014, the state allows all persons whose countable income does not exceed 100% of the federal poverty level to receive medical assistance. Wis. Stat. § 49.471(4)(a). These benefits are exactly the same as those provided to persons who have been determined to be disabled. This means that the only benefit to receiving medical assistance based upon a disability is that the benefits could begin sooner; this is only a benefit if the recipient has overdue medical bills, which the petitioner does not. It is true that she could eventually earn more than 100% of the federal poverty level and thus would no longer receive medical assistance unless she had been found disabled and received benefits under the Medicaid Purchase Plan, a program specifically designed to provide medical assistance to disabled persons who wish to work. *See* Wis. Stat. § 49.472. However, if her income leaves her ineligible for BadgerCare Plus, she should receive a new determination of her disability because her condition could change between now and then. Based upon the evidence before me, I find that this matter is moot because finding the petitioner eligible for medical assistance based upon a disability cannot lead to her receiving benefits she does not already receive.

### CONCLUSIONS OF LAW

There is no issue to be determined because the petitioner has been found eligible for a full-benefit medical assistance program and will receive no additional benefits if she is found to be disabled.

**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 27th day of May, 2014

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\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 May 27, 2014.

Sawyer County Human Services  
Disability Determination Bureau