



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

MGE/157646

PRELIMINARY RECITALS

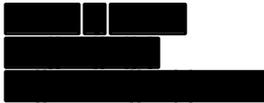
Pursuant to a petition filed May 13, 2014, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the La Crosse County Department of Human Services in regard to Medical Assistance, a hearing was held on June 30, 2014, at La Crosse, Wisconsin.

The issue for determination is whether there is any issue ripe for determination by DHA.

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: Tom Miller

La Crosse County Department of Human Services
300 N. 4th Street
PO Box 4002
La Crosse, WI 54601

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [redacted]) is a resident of La Crosse County.
2. Due to income information received by the agency, the agency closed petitioner's MA case effective 5/1/14.

3. The agency subsequently re-opened the case pending re-determination of petitioner's disability status. The re-opening was retroactive to 5/1/14. There has been no lapse in benefits.
4. If there is a re-determination resulting in a loss of benefits, a new notice will be sent with appeal rights.

DISCUSSION

At the time of hearing, petitioner's MA had been re-opened with no lapse. The agency is awaiting re-determination of disability status. If petitioner is found not disabled, his MA may terminate in which case a new notice will be sent.

At this point, there is no negative action standing against petitioner. There is not issue for determination.

CONCLUSIONS OF LAW

There is not issue for determination by DHA.

THEREFORE, it is **ORDERED**

That this matter 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 23rd day of July,
2014

\sJohn P. Tedesco
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 July 23, 2014.

La Crosse County Department of Human Services
Division of Health Care Access and Accountability