



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

BCS/158615

PRELIMINARY RECITALS

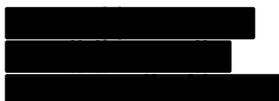
Pursuant to a petition filed June 27, 2014, under Wis. Stat. § 49.45(5)(a), to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance, a hearing was held on September 09, 2014, at Milwaukee, Wisconsin. The case was held open post-hearing to await additional information from the Immigration and Naturalization Service. On November 18, 2014, additional information was received and the record was closed.

There is no issue for determination.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Petitioner's Representative:

Attorney Patricia Delessio
230 West Wells Street, Room 800
Milwaukee, WI 53203

Respondent:

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

By: Katherine May
Milwaukee Enrollment Services
1220 W Vliet St, Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [redacted]) is a resident of Milwaukee County.

2. On April 21, 2014, the Petitioner's BC case was pended for verification of citizenship. On April 24, 2014, the agency issued a request for verification. Due date for the verification was May 5, 2014.
3. On May 2, 2014, the Petitioner submitted a Wisconsin ID and Alien Identification card from 1959. On May 5, 2014, the agency made a second request for citizenship verification with a due date of May 15, 2014.
4. On May 14, 2014, the Petitioner submitted a picture and expired employment authorization card. Another request for verification was issued by the agency on May 15, 2014 with a due date of May 23, 2014.
5. On May 27, 2014, the agency issued a notice to the Petitioner that her case would close effective July 1, 2014 for failure to provide requested verification.
6. On June 12, 2014, the agency sent a request to Immigration and Naturalization Services (INS) for additional information. Petitioner's case was pended with additional information due on June 30, 2014.
7. On June 27, 2014, the agency received information from the Petitioner indicating Petitioner's date of entry was June 23, 1959. However, there was also information that the Petitioner was not continuously present in the U.S. Additional information was requested from INS.
8. On November 18, 2014, the agency received additional information from INS and re-activated the Petitioner's BC case.

DISCUSSION

At the time of the hearing, the agency was awaiting additional information from INS to determine the Petitioner's residency/citizenship status. On November 18, 2014, the agency received sufficient information to demonstrate Petitioner's eligibility. Her case was re-activated. No issue remains for determination.

CONCLUSIONS OF LAW

There is no issue remaining for determination.

THEREFORE, it is

ORDERED

The Petitioner's appeal is 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 Milwaukee,
Wisconsin, this 25th day of November, 2014

\sDebra Bursinger
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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Madison, WI 53705-5400

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The preceding decision was sent to the following parties on November 25, 2014.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability
Attorney Patricia Delessio