



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

CTS/158730

PRELIMINARY RECITALS

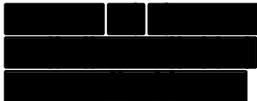
Pursuant to a petition filed July 02, 2014, under Wis. Stat. § 227.42, to review a decision by the Dodge County Department of Human Services in regard to Medical Assistance, a telephonic hearing was held on September 04, 2014, at Juneau, Wisconsin.

The issue for determination is whether the Division of Hearings and Appeals (DHA) has any jurisdiction in this Caretaker Supplement (CTS) appeal because the petitioner's new appeal is simply based upon the closure of his CTS benefits from his prior appeal in Case No. CTS/154897.

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: Ashley Schabel, ESS
Dodge County Department of Human Services
143 E. Center Street
Juneau, WI 53039-1371

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [redacted]) is a resident of Dodge County.
2. The petitioner received Caretaker Supplement (CTS) benefits.

3. In his previous CTS case in CTS/154897, the county agency sent a June 9, 2014 notice to the petitioner stating that his Caretaker Supplement benefits would discontinue effective July 1, 2014. See Exhibit 2.
4. The petitioner appealed that discontinuance to DHA in Case No. CTS/154897.
5. The petitioner failed to appear for his hearing in CTS/154897, and ALJ Kenneth Duren dismissed that appeal as abandoned.
6. The petitioner failed to timely request a rehearing with DHA or timely file an appeal to circuit court.
7. The petitioner filed his appeal in the instant case (CTS/158730) due to the closure of his CTS benefits after all of his appeal rights had expired in CTS/154897.
8. There is no new CTS issue in the instant appeal
9. If petitioner wishes to attempt to obtain CTS benefits, he needs to file a new application for Caretaker Supplement benefits.

DISCUSSION

Beginning January 1, 1998, with the advent of the Wisconsin Works (W-2) program, AFDC ceased to exist in this state. Since W-2 is a work program, and SSI recipients by definition are unable to work, SSI recipients cannot qualify for W-2. The state thus implemented the Caretaker Supplement Program, which currently pays SSI recipient parents \$250 per month for one child, and \$150 per month for additional children. The program is mandated by Wis. Stats. §49.775.

To be eligible for the CTS payments the following criteria must be met: **(1)** the caretaker must be an SSI recipient, or if both parents are in the home, both parents must receive SSI; **(2)** the child or children must meet the financial and non-financial criteria for AFDC as it existed on July 16, 1996; and **(3)** the child or children must not receive SSI payments themselves. Wis. Stats. §49.775(2). Beginning January 1, 1998, with the advent of the Wisconsin Works (W-2) program, AFDC ceased to exist in this state. Since W-2 is a work program, and SSI recipients by definition are unable to work, SSI recipients cannot qualify for W-2. The state thus implemented the Caretaker Supplement Program, which currently pays SSI recipient parents \$250 per month for one child, and \$150 per month for additional children. The program is mandated by Wis. Stats. §49.775.

In the instant case, the petitioner was unable to refute with any reliable evidence the county agency’s case that there is no DHA jurisdiction, as established by the above Findings of Fact.

CONCLUSIONS OF LAW

The Division of Hearings and Appeals (DHA) has no subject matter jurisdiction in this Caretaker Supplement (CTS) appeal because the petitioner’s new appeal is simply based upon the closure of his CTS benefits from his prior appeal in Case No. CTS/154897.

THEREFORE, it is

ORDERED

The petition for review herein be and the same is hereby 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 13th day of October, 2014

\sGary ■ Wolkstein
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 October 13, 2014.

Dodge County Department of Human Services
Division of Health Care Access and Accountability