



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

MAP/159004

PRELIMINARY RECITALS

Pursuant to a petition filed July 11, 2014, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance, a hearing was held on August 19, 2014, at Milwaukee, Wisconsin.

The issue for determination is whether the agency properly denied the Petitioner’s request for Medicaid Purchase Plan (MAPP) benefits.

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: Simone Johnson
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 # ) is a resident of Milwaukee County.
2. On April 10, 2014, the Petitioner filed an application for healthcare benefits. She alleged a disability.

3. On June 20, 2014, the Petitioner was found not disabled by the Disability Determination Bureau (DDB).
4. On July 3, 2014, the agency issued a Notice of Decision to the Petitioner informing her that she is not eligible for Medicaid Purchase Plan (MAPP) benefits because she was found to be not disabled.
5. On July 10, 2014, the Petitioner applied for SSDI.
6. On July 11, 2014, the Petitioner filed an appeal with the Division of Hearings and Appeals.
7. On August 20, 2014, the agency issued a Notice of Decision that the Petitioner is eligible for MAPP benefits effective October 1, 2014.

DISCUSSION

The petitioner applied for medical assistance under the Medicaid Purchase Plan, which allows a working person to receive medical assistance.

Subsequent to the hearing, on September 9, 2014, a finding of disability was made for SSDI benefits. This is based on information submitted to DHA by the DDB. The onset date for the SSDI allowance is June 1, 2011. Based on this finding, the Petitioner is eligible for MA disability and is eligible for MAPP if she meets all other eligibility criteria. Therefore, I will remand this matter to the agency to make a new determination of MAPP eligibility based on the SSDI finding of disability.

CONCLUSIONS OF LAW

The Petitioner is disabled.

THEREFORE, it is

ORDERED

That this matter is remanded to the agency to determine the Petitioner's eligibility for MAPP based on the finding of disability made on September 9, 2014. This action shall be completed within 10 days of the date of this decision.

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 23rd day of September, 2014

\sDebra Bursinger
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 September 23, 2014.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability