



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[Redacted]
Redact

DECISION

MSI/161732

PRELIMINARY RECITALS

Pursuant to a petition filed November 3, 2014, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Division of Health Care Access and Accountability (DHCAA or Division) in regard to Medical Assistance (MA), a hearing was held on December 17, 2014, by telephone.

The issue for determination is whether the Division correctly sought to discontinue the petitioner's SSI-related MA coverage effective November 1, 2014.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[Redacted]
Redact

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703
By: Melissa Sherry (written submission)
State SSI analyst
DHCAA

ADMINISTRATIVE LAW JUDGE:

Nancy J. Gagnon
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [Redacted]) is a resident of Wood County.
2. Prior to November 1, 2014, the petitioner received MA due to his status as an SSI recipient. The Department notified the petitioner on October 17, 2014, that his SSI-related MA benefits would

be discontinued effective November 30, 2014. The petitioner appealed, and apparently did re-apply with his local agency for an alternate form of MA (for example, BadgerCare Plus).

3. Prior to November 1, 2014, the federal Social Security Administration (SSA) notified the petitioner that his federal SSI payments would be discontinued on or before November 1, 2014.

DISCUSSION

The petitioner was receiving MA based on his status as a recipient of federal SSI benefits. *See*, Wis. Stat. § 49.46(1)(a)4. There is no dispute that his federal SSI stopped before November 1, 2014. Therefore the petitioner cannot continue to receive MA based on SSI recipient status. However, the petitioner may be eligible for another form of MA, such as BadgerCare Plus. *See*, §§ 49.47(a) and 49.497. The petitioner, who is a low income household of one person, indicated at hearing that he believes he is currently covered by BadgerCare Plus. This is quite plausible. This hearing decision does not affect his BadgerCare Plus eligibility.

CONCLUSIONS OF LAW

1. The Department correctly discontinued the petitioner's SSI-based MA certification, because the petitioner is no longer receiving federal SSI benefits.

THEREFORE, it is

ORDERED

That the petition 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 18th day of December, 2014

\sNancy J. Gagnon
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on December 18, 2014.

Division of Health Care Access and Accountability
State SSI