



**STATE OF WISCONSIN  
Division of Hearings and Appeals**

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In the Matter of

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DECISION

CWA/162652

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**PRELIMINARY RECITALS**

Pursuant to a petition filed December 11, 2014, under Wis. Admin. Code § HA 3.03, to review a decision by the Bureau of Long-Term Support in regard to Medical Assistance, a hearing was held on March 04, 2015, at Milwaukee, Wisconsin.

The issue for determination is whether the agency erred in terminating petitioner from IRIS due to fraud or mismanagement of funds.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

█ █  
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Respondent:

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

By: Carrie Haugen  
Bureau of Long-Term Support  
1 West Wilson

Madison, WI

**ADMINISTRATIVE LAW JUDGE:**

John P. Tedesco  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a resident of Milwaukee County.
2. Petitioner was a member of the Iris program.

3. In April 2014 petitioner submitted a timesheet on April 3, 2014 for work on dates of service 4/1 through 4/15. The agency determined that the worker was terminated on 3/15/14. The agency educated petitioner relating to fraud and reporting certification and responsibilities.
4. On 10/7/14 petitioner submitted a timesheet for work dates of 10/1/14 through 10/15/15.
5. The agency terminated Iris enrollment effective 12/19/15.
6. Petitioner appealed.

### DISCUSSION

The IRIS program was developed pursuant to a Medical Assistance waiver obtained by the State of Wisconsin, pursuant to section 6087 of the Deficit Reduction Act of 2005 (DRA), and section 1915(j) of the Social Security Act. It is a self-directed personal care program. IRIS policies are found online at <http://www.dhs.wisconsin.gov/publications/P0/P00708.pdf>.

IRIS policies allow the program to end a participant's enrollment when fraud by the participant is substantiated. See §10.1A.1, No. 18 of the IRIS Policy Manual: Work Instructions, a separate manual found at <http://www.dhs.wisconsin.gov/publications/P0/P00708a.pdf>. Disenrollment from IRIS does not necessarily mean that the person is ineligible for all Department services; the person might have to apply for Family Care or another program that does not include self-directed services but instead has more involvement from agency case managers to make certain that services are provided and paid for.

In this case petitioner admits to signing a timesheet in the name of the caregiver. He also admits to submitting the timesheet for work that had not actually been performed as the sheet was submitted reflecting hours for days that had not passed yet. Petitioner states that he did this because the caregiver told him to do so. He also stated his knowledge that he should not be doing so. Petitioner stated that he apologizes and is requesting another chance.

I conclude that the agency's termination of petitioner's IRIS eligibility was done correctly. It is evident that despite his need for services she should not be self-directing them. Petitioner should work with a DHS representative to try to transition to a different program.

### CONCLUSIONS OF LAW

The IRIS agency correctly sought to terminate petitioner's eligibility for the program because of substantiated fraud by petitioner.

**THEREFORE, it is**

**ORDERED**

That 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 6th day of March, 2015

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\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 March 6, 2015.

Bureau of Long-Term Support