



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[Redacted case name]

DECISION

MSI/163827

PRELIMINARY RECITALS

Pursuant to a petition filed February 06, 2015, 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 in regard to Medical Assistance, a hearing was held on June 11, 2015, at Waukesha, Wisconsin.

The issue for determination is whether the petitioner is eligible for Medicaid coverage in March 2015 when her SSI benefits had terminated.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[Redacted petitioner name]

Petitioner's Representative:

[Redacted representative name]

Respondent:

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

By: Vickie Gavin (written submission)

ADMINISTRATIVE LAW JUDGE:

Corinne Balter
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. The petitioner (CARES # [Redacted]) is a resident of Waukesha County.
2. On January 19, 2015 the State of Wisconsin, Division of Health Care Access and Accountability (DHCAA) sent the petitioner a notice stating that effective February 28, 2015 her Medicaid (MA) coverage would end. The notice further stated that her federal SSI cash payments would end on

January 28, 2015. The state extended her Medicaid through February 28, 2015 to determine whether she met other rules that would allow her to continue receiving Medicaid coverage.

3. On February 9, 2015 the Division of Hearings and Appeals received the petitioner's request for fair hearing.
4. A hearing date was set, but then rescheduled three times at the petitioner's request. The petitioner was attempting to resolve this issue with her social security benefits with the federal social security administration. At the hearing the petitioner's attorney stated that the petitioner has federal SSI benefits effective April 1, 2015.

DISCUSSION

Anyone who receives SSI benefits is entitled to receive MA as "categorically needy" under section 49.46(1)(a)4 of the Wisconsin Statutes. Conversely, when SSI eligibility ends so does that person's entitlement to MA under the provisions of that statutory section. As a result, the issue was whether petitioner continued to be eligible for categorically needy Wisconsin MA when her federal SSI eligibility ended. The only time period at issue is March 2015. The petitioner's attorney stated that effective April 1, 2015 the petitioner was again eligible for federal SSI payments. This makes the petitioner eligible for MA coverage effective April 1, 2015. The petitioner was not eligible for MA coverage in March 2015 because as stated at the hearing, she did not receive federal SSI benefits during that month.

I note that the only confirmation I received that the petitioner was eligible for federal SSI, and received federal SSI payments effective April 1, 2015 was from the petitioner's attorney. I have no reason to doubt this information. If this information is incorrect for any reason, either party may request a rehearing within the allowable time period listed below.

CONCLUSIONS OF LAW

The petitioner was ineligible for MA benefits in March 2015 because did not receive SSI benefits that month. Effective April 1, 2015 the petitioner began receiving SSI benefits again. Thus, she is eligible for MA benefits effective April 1, 2015.

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 Milwaukee,
Wisconsin, this 15th day of June, 2015

\sCorinne Balter
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 June 15, 2015.

Division of Health Care Access and Accountability
State SSI

