



FH

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

In the Matter of

[REDACTED]
[REDACTED]
c/o [REDACTED]
[REDACTED]
[REDACTED]

DECISION

MDD/163828

PRELIMINARY RECITALS

Pursuant to a petition filed January 14, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Pierce County Department of Human Services in regard to Medical Assistance, a hearing was held on March 20, 2015, at Ellsworth, Wisconsin.

The issue for determination is whether the petitioner's appeal is moot.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
c/o [REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703
By: No Appearance

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner is a resident of Pierce County.
2. The petitioner seeks medical assistance based upon a disability. The Disability Determination Bureau most recently denied his application with a finding that he was not disabled on February 4, 2015.

3. The petitioner receives medical assistance through the BadgerCare Plus program. Those benefits are the same as the benefits he would receive if he is determined to be disabled.

DISCUSSION

Until April 1, 2014, an adult under 65 years old without minor children usually could receive medical assistance only if he had been found disabled. *See* Wis. Stat. § 49.47(4)(a)4. The petitioner applied for medical assistance based upon a disability. Those benefits were most recently denied on February 4, 2015. As of April 1, 2014, the state allows all persons whose countable income does not exceed 100% of the federal poverty level to receive medical assistance through the BadgerCare Plus program. Wis. Stat. § 49.471(4)(a). These benefits are exactly the same as those provided to persons who have been determined to be disabled. The petitioner already receives BadgerCare Plus benefits. He could eventually earn more than 100% of the federal poverty level and thus become ineligible for medical assistance unless he has been found disabled. But his income would leave him ineligible for BadgerCare Plus only if his ability to work has changed, which would require him to receive a new disability determination, making any one issued now irrelevant. Based upon the evidence before me, I find that this matter is moot because finding the petitioner eligible for medical assistance based upon a disability cannot lead to his receiving benefits he does not already receive.

CONCLUSIONS OF LAW

The petitioner's matter is moot because if he prevails he will receive the same level of medical assistance benefits he already receives through BadgerCare Plus.

THEREFORE, it is

ORDERED

The petitioner's appeal 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 23rd day of March, 2015

\sMichael D. O'Brien
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 23, 2015.

Pierce County Department of Human Services
Disability Determination Bureau