



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

Redact
c/o *Redact*
Redact

DECISION

MAP/166229

PRELIMINARY RECITALS

Pursuant to a petition filed March 16, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Disability Determination Bureau in regard to Medical Assistance, a hearing was held on June 19, 2015, at Menomonie, Wisconsin.

The issue for determination is whether the petitioner is disabled.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

Redact
c/o *Redact*
Redact

Petitioner's Representative:

Redact

Respondent:

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

By: No Appearance
Disability Determination Bureau
722 Williamson St.
Madison, WI 53703

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner is a resident of Dunn County.
2. The petitioner applied for medical assistance through the Medicaid Purchase Plan on June 30, 2014.

3. The department denied the petitioner's claim on February 3, 2015. He asked for reconsideration, and that was denied on May 21, 2015.
4. The petitioner also applied for SSI/SSDI benefits. The Disability Determination Bureau denied that application with a finding that he was not disabled on July 14, 2014.
5. The petitioner is not working.

DISCUSSION

The petitioner applied for medical assistance under the Medicaid Purchase Plan, which allows a working person to receive medical assistance. The petitioner is not working. Therefore, his eligibility will be reviewed in the same way as it is for any other person seeking medical assistance as a disabled person.

A finding of disability for medical assistance must be in accordance with federal social security/SSI standards. See Wis. Stat. § 49.47(4)(a)4. Because the standards are the same, a finding of no disability for Social Security/SSI purposes made within 12 months of the MA application is binding on a State Medicaid (MA) agency. Exceptions may occur only if certain conditions exist such as allegations of a different disabling condition or changes in the previously considered conditions. None of the exceptions apply here. See 42 C.F.R. § 435.541(a); see also U.S. Department of Health and Human Services Commentary, 54 Fed. Reg. 236 (1989).

Because the petitioner has been denied Social Security/SSI following a finding of no disability, I must conclude he is ineligible for MA.

CONCLUSIONS OF LAW

The petitioner is not eligible for Medicaid Purchase Plan benefits because he is not disabled.

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 24th day of June, 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 June 24, 2015.

Dunn County Department of Human Services
Division of Health Care Access and Accountability

Redact @cardonoutreach.com