



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

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In the Matter of



**DECISION**  
Case #: CWA - 210997

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**PRELIMINARY RECITALS**

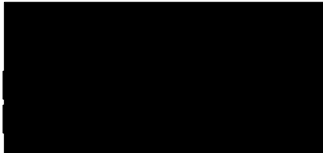
Pursuant to a petition filed on November 14, 2023, under Wis. Admin. Code § HA 3.03, to review a decision by the Bureau of Long-Term Support regarding Medical Assistance (MA), a hearing was held on December 27, 2023, by telephone.

The issue for determination is whether the agency erred in its termination of petitioner's IRIS eligibility after he failed to complete a periodic renewal.

There appeared at that time the following persons:

**PARTIES IN INTEREST:**

Petitioner:



Respondent:

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

By: J. Madera

Bureau of Long-Term Support  
PO Box 7851  
Madison, WI 53707-7851

**ADMINISTRATIVE LAW JUDGE:**

John P. Tedesco  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a resident of Barron County.

2. Petitioner was enrolled in the IRIS Program.
3. Petitioner was due to complete a periodic eligibility renewal on 8/31/23.
4. Notices requiring the renewal were sent to petitioner's prior guardian.
5. Petitioner's guardian changed in August 2023. The new guardian, [REDACTED], was not aware of the need to complete the renewal.
6. Petitioner, by [REDACTED], completed a renewal on 9/21/23. This resulted in a gap in IRIS enrollment from 8/31/23 to 9/21/23.
7. Petitioner appealed the 8/31/23 termination.

### DISCUSSION

The facts are not in dispute. Petitioner was required to complete a MA renewal by 8/31/23. He did not do so. Thus, his MA lapsed. The petitioner and the respondent are in agreement that this happened because petitioner changed guardians prior to the renewal. The agency was not aware of this and sent the renewal notices to the old guardian.

Apparently, the new guardian had not provided new contact information for MA related notices. And the previous guardian did not forward the notices received to the new guardian.

At hearing, both parties pleaded for some relief. The problem here, however, was caused by petitioner's representatives not completing the required renewal. Petitioner's representative explained that "we all love him and want the best for him," but she offered no legal basis for why the termination should be determined to be incorrect.

This is an unfortunate circumstance. Petitioner did not complete the renewal. He relies on his representatives to handle such matters and it seems that one or both of the guardians failed to handle the renewal. This does not make the termination incorrect, however. The IRIS representative explained that she thought that backdating the case could be accomplished through a proposed decision process that is occasionally done in Family Care and Iris eligibility cases. But, that process is used when an eligibility determination is unreasonable delayed as a result of an agency error. In this case the delay was the result of a failure by petitioner or his representatives. As an ALJ I have no authority to simply change things because the result is sad or unfortunate. I see no error here by the agency and have no authority to alter the termination.

### CONCLUSIONS OF LAW

The agency did not err in its termination of MA on 8/31/23 based on petitioner's failure to complete the required renewal.

**THEREFORE, it is**

**ORDERED**

That this 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, 4822 Madison Yards Way, 5<sup>th</sup> Floor North, 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, **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.

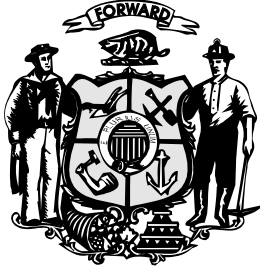
Given under my hand at the City of Madison,  
Wisconsin, this 17th day of January, 2024



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John 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 January 17, 2024.

Bureau of Long-Term Support