



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

DECISION

Case #: CWA - 216242

PRELIMINARY RECITALS

Pursuant to a petition filed December 12, 2024, under Wis. Admin. Code, §HA 3.03, to review a decision by TMG to discontinue Include, Respect, I Self-Direct (IRIS) eligibility, a hearing was held on February 12, 2025, by telephone. A hearing set for January 29, 2025 was rescheduled at the petitioner's request.

The issue for determination is whether petitioner's

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, WI 53703
By: Jennifer Medera
TMG
2424 Rimrock Rd., Suite 230
Fitchburg, WI 53713

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Dane County.
2. Petitioner was and is eligible for IRIS with TMG as her consulting agency. Petitioner was scheduled to complete a Medical Assistance (MA) renewal by the end of November, 2024. Due

to mailing issues, her representative, [REDACTED], did not get the renewal package and did not discover that MA closed effective December 1 until after the closure. She filed the renewal on December 3, and MA eventually was reopened retroactive to December 1, so there has been no loss of MA.

3. On October 25, 2024, petitioner's TMG case manager sent [REDACTED] a letter telling her that petitioner needed to complete the renewal or IRIS would close November 30. The letter was sent to an old, incorrect address, however, and [REDACTED] did not receive it.
4. IRIS closed effective December 1, 2024 without any additional notice. After the renewal was completed, IRIS reopened with TMG still the consulting agency effective January 1, 2025.

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(c) of the Social Security Act. It is a self-directed personal care program.

As with any negative action in the MA-related realm, the IRIS agency must notify the recipient in writing of a proposed discontinuance. *IRIS Policy Manual*, §11.1A. Here TMG sent a letter to petitioner's representative explaining that IRIS could close at the end of November, but the notice was sent to the wrong address. As a result, petitioner did not receive adequate notice of the negative action. I thus conclude that the termination of IRIS was incorrect because petitioner did not receive notice prior to the action.

CONCLUSIONS OF LAW

The termination of IRIS was incorrect because petitioner did not receive notice prior to the action.

THEREFORE, it is

ORDERED

That the matter be remanded to TMG with instructions to restore petitioner's IRIS eligibility and its services effective December 1, 2024. It shall do so within 10 days of this decision.

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, 5th 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.

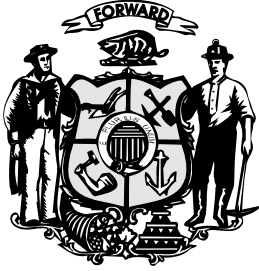
APPEAL TO COURT

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 14th day of February, 2025

\s _____
Brian C. Schneider
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 February 14, 2025.

Dane Cty. Dept. of Human Services
Bureau of Long-Term Support

[REDACTED]