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[REDACTED]

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

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In the Matter of

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

**DECISION**  
Case #: MGE - 213356

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**PRELIMINARY RECITALS**

Pursuant to a petition filed on May 6, 2024, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services regarding Medical Assistance (MA), a hearing was held on June 19, 2024, by telephone.

The issues for determination are whether Petitioner's Community Waivers eligibility was properly terminated as of April 1, 2024 and whether she was properly disenrolled from the Family Care Program as of April 30, 2024.

There appeared at that time the following persons:

**PARTIES IN INTEREST:**

Petitioner:

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

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, WI 53703  
By: Kyra Oberg  
Milwaukee Enrollment Services  
1220 W Vliet St  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Teresa A. Perez  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a 69-year old married resident of Milwaukee County who has remained financially and functionally eligible for Family Care since her enrollment in the program in October 2015.
2. By notice dated March 18, 2024, Milwaukee Enrollment Services (“MILES”) informed Petitioner that she was no longer eligible for Community Waivers as of April 1, 2024 and identified the following reason for the termination: “You have asked us to stop giving you this benefit.”
3. In fact, Petitioner never asked to stop receiving Community Waivers and the April 1, 2024 termination of her Community Waivers eligibility was an agency error.
4. Based on MILES’s erroneous termination of Petitioner’s Community Waivers eligibility, MyChoice Family Care disenrolled Petitioner from Family Care as of April 30, 2024.
5. On May 6, 2024, Petitioner filed a request for fair hearing with the Division of Hearings and Appeals.

**DISCUSSION**

The facts here are undisputed: Petitioner was terminated from Community Waivers on April 1, 2024 and disenrolled from Family Care on April 30, 2024 in error. Petitioner has remained continuously functionally and financially eligible for these related programs.

**CONCLUSIONS OF LAW**

- Petitioner’s eligibility for Community Waivers was terminated in error on April 1, 2024 which caused her to be improperly disenrolled from Family Care as of April 30, 2024.
- Petitioner has been continuously eligible for and entitled to Community Waivers Medicaid and Family Care since October 15, 2021.

**THEREFORE, it is**

**ORDERED**

That the matter is remanded to Milwaukee Enrollment Services and to the Department of Health Services and its contractors, the Milwaukee County ADRC and MyChoice Family Care, to take all administrative steps necessary to: (1) rescind Petitioner’s disenrollment from Family Care and re-enroll her in Family Care as of April 30, 2024, and (2) to re-open her Community Waivers effective April 1, 2024. The agencies shall comply with this order within ten days of the date 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, 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 20th day of June,  
2024



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Teresa A. Perez  
Administrative Law Judge  
Division of Hearings and Appeals