



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

In the Matter of

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

DECISION
Case #: CWA - 218533

PRELIMINARY RECITALS

Pursuant to a petition filed on June 2, 2025, 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 January 6, 2026, by telephone. The hearing was rescheduled seven times.

The issue for determination is whether petitioner's appeal regarding his IRIS benefits is moot.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

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

Respondent:

Department of Health Services
201 E. Washington Ave.
Madison, WI 53703

By: Angela Sutherland, TMG
Bureau of Long-Term Support
PO Box 7851
Madison, WI 53707-7851

ADMINISTRATIVE LAW JUDGE:

Jason M. Grace
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Milwaukee County.

2. The petitioner was enrolled in the IRIS program, with TMG his IRIS consultant agency.
3. Petitioner submitted a One Time Expense (OTE) request for the IRIS program to fund a wheelchair ramp at his parent's home.
4. By notice dated May 8, 2025, the OTE request was denied.
5. On June 2, 2025, the petitioner filed an appeal contesting the denial of the OTE request with the Division of Hearings and Appeals (DHA). The appeal was assigned to the above-entitled case number.
6. On June 11, 2025, notice was issued to petitioner that he was being involuntarily disenrolled from the IRIS program. Petitioner filed a timely appeal. The involuntary IRIS disenrollment appeal was assigned DHA Case No. 218862. A hearing was held to address the IRIS disenrollment on July 29, 2025. On September 19, 2025, the DHA issued a decision upholding petitioner's disenrollment from the IRIS program. His later request for rehearing was denied.

DISCUSSION

Two of the petitioner's appeals were consolidated for hearing on January 6, 2026. The instant case addresses the petitioner's appeal of a denial of a OTE request for the IRIS program to fund a wheelchair ramp. A separate decision in DHA Case No. CWA-220145 will be issued addressing his request to be reimbursed for out-of-pocket caregiver expenses for care provided during his period of IRIS enrollment.

The IRIS program is a Medicaid long term care waiver program that serves elderly individuals and adults with physical and developmental disabilities. IRIS is an alternative to Family Care, Partnership, and PACE—all of which are managed long term care waiver programs. The IRIS program, in contrast, is designed to allow participants to direct their own care and to hire and direct their own workers. The broad purpose of all of these programs, including IRIS, is to help participants design and implement home and community based services as an alternative to institutional care. See IRIS Policy Manual §1.1B, Medicaid Eligibility Handbook §28.1, et. seq., and 42 C.F.R. §441.300, et. seq.

In this case, the petitioner filed an appeal contesting the denial of a request to have the IRIS program fund the cost of a wheelchair ramp. That issue is now moot as the petitioner is no longer enrolled in the IRIS program. He was involuntarily disenrolled from the IRIS program following a hearing on July 29, 2025. See DHA Case No. 218862.

A matter is moot if the review sought cannot have a practical effect on the existing controversy. See *Racine v. J-T Enterp.*, 64 Wis. 2nd 691, 702; 221 N.W. 2nd 869, 875 (1974). The ramp at issue in this case was not provided or funded during a period of IRIS enrollment. The Division of Hearings and Appeals does not have jurisdiction to order the IRIS program to fund an IRIS service/benefit that would be provided during a period that the member is not enrolled in the IRIS program. Thus, petitioner's appeal in the instant case is now moot. See also DHA Case Nos. CWA-217252 and CWA-217413 (reaching similar results in unrelated cases).

I would note that petitioner is now enrolled in the Family Care Program (FCP). Petitioner is able to submit a request to his managed care organization (MCO) for the FCP to fund the ramp. To the extent that petitioner seeks a decision on the merits in the instant case in order to support the request to his MCO, such would amount to an impermissible declaratory ruling. The request for the ramp must be submitted to

the MCO for review and consideration. If the MCO denies the request, he would have the right to appeal that determination.

CONCLUSIONS OF LAW

The petitioner’s appeal is moot as he is no longer enrolled in the IRIS program.

THEREFORE, it is **ORDERED**

That 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, 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.

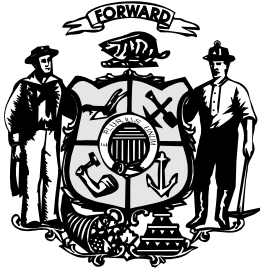
APPEAL TO COURT

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, 201 E. Washington Ave., **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 4th day of February, 2026

\s _____
Jason M. Grace
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin \DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
5th Floor North
4822 Madison Yards Way
Madison, WI 53705-5400

Telephone: (608) 266-7709
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on February 4, 2026.

Bureau of Long-Term Support