



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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

**DECISION**  
Case #: MGE - 221279

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**PRELIMINARY RECITALS**

Pursuant to a petition filed on December 20, 2025, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Door County Department of Social Services regarding Medical Assistance (MA), a hearing was held on January 29, 2026, by telephone. The hearing was rescheduled one time.

The issue for determination is whether petitioner timely filed an appeal for the termination of his MA benefits.

There appeared at that time the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

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

By: Eric Olson

Door County Department of Social Services  
Door County Government Center  
421 Nebraska Street  
Sturgeon Bay, WI 54235-0670

**ADMINISTRATIVE LAW JUDGE:**

Jason M. Grace  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a 73 year-old resident of Brown County.

2. On July 22, 2025, the petitioner applied for MA.
3. By notice dated July 23, 2025, petitioner was informed he was enrolled in MA, effective July 1, 2025. The notice set forth the right, process, and deadline to file an appeal.
4. On August 4, 2025, the agency was alerted that petitioner had unreported assets of \$62,059.22 that stemmed from three bank accounts.
5. By notice dated August 5, 2025, petitioner was informed he needed to send proof showing his current balance of three bank accounts. The due date for that proof was indicated to be August 25, 2025. The notice indicated that if he did not take the required action by the due date his benefits will be denied, decreased, or ended.
6. By notice dated August 26, 2025, petitioner was informed his MA benefits were ending October 1, 2025. The basis for the action was a failure to provide proof of value of the three bank accounts. The notice set forth the right, process, and deadline to file an appeal. The deadline to file an appeal was indicated to be November 17, 2025.
7. On December 20, 2025, the petitioner filed an appeal with the Division of Hearings and Appeals.

### DISCUSSION

DHA can only hear cases on the merits if there is jurisdiction to do so. There is no jurisdiction if an appeal is untimely. Medical assistance appeals, which include appeals addressing termination of benefits, must be filed within 45 days of the date of the negative action. See, 42 C.F.R. § 431.221(d); Wis. Stat. § 49.45(5); Wis. Admin. Code § DHS 104.01(5)(a)3; and Wis. Admin. Code § HA 3.05(3). A hearing request that is not received timely must be dismissed for lack of jurisdiction. Wis. Admin. Code § HA 3.05(4)(e).

The DHA does not have the authority to modify or extend appeal deadlines, even in cases where good cause or hardship is argued. I am further without authority to base any decision on grounds of equity or fairness. It is the longstanding policy of the DHA that its administrative law judges do not possess equitable powers. See, Wisconsin Socialist Workers 1976 Campaign Committee v. McCann, 433 F.Supp 540, 545 (E.D. Wis.1977). See also, Village of Silver Lake, Wis. v. DOR, 87 Wis. 2d 463 (Wis. App. 1978).

The deadline to appeal the termination of petitioner's MA benefits was November 17, 2025. The appeal was not filed until December 20, 2025. Thus, the DHA does not have jurisdiction to address the merits of the petitioner's MA appeal that seeks to address the termination of his benefits as of October 1, 2025.

### CONCLUSIONS OF LAW

Petitioner's appeal was filed untimely, and thus the Division of Hearings and Appeals does not have jurisdiction to address the merits of his appeal that seeks to address the termination of his MA benefits as of October 1, 2025.

**THEREFORE, it is**

**ORDERED**

That 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, 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.

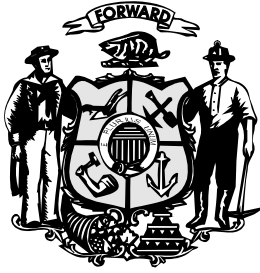
**APPEAL TO COURT**

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, 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 29th day of January, 2026

\s \_\_\_\_\_  
Jason M. Grace  
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 29, 2026.

Door County Department of Social Services  
Division of Health Care Access and Accountability