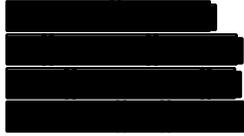




**STATE OF WISCONSIN  
Division of Hearings and Appeals**

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In the Matter of



**DECISION**  
Case #: MGE - 174624

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**PRELIMINARY RECITALS**

Pursuant to a petition filed on May 25, 2016, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Winnebago County Department of Human Services regarding Medical Assistance (MA), a hearing was held on July 12, 2016, by telephone.

The issue for determination is whether Petitioner's application for Medicaid was correctly denied for failing to verify.

There appeared at that time the following persons:

**PARTIES IN INTEREST:**

Petitioner:



Petitioner's Representative:



Respondent:

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

By:

  
Winnebago County Department of Human Services  
220 Washington Ave.  
PO Box 2187  
Oshkosh, WI 54903-2187

**ADMINISTRATIVE LAW JUDGE:**

David D. Fleming  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # ) is a resident of Winnebago County.

2. An application for institutional Medicaid was filed by Petitioner on March 31, 2016. The application included a copy of a Judgment of Divorce from October 2015. The application indicates Petitioner is single and owns a checking and savings account, both at [REDACTED] and a whole life insurance policy. The application did not seek backdating.
3. Agency case notes indicate that the processing of the March 31, 2016 Medicaid application began on April 25, 2016. The agency did not note the divorce and included the ex-wife's financial information in processing the application.
4. A denial notice, dated May 3, 2016 was sent to Petitioner's representatives.
5. The agency subsequently realized Petitioner was divorced and on May 16, 2016 sent Petitioner a written request for verification that asked for information on a savings account, an IRA and a 1983 automobile. Petitioner was given until May 25, 2016 to provide the information.
6. This appeal was filed on May 25, 2016 to contest the processing of Petitioner's application as the agency was allegedly seeking information about the ex-spouse rather than that of Petitioner.
7. The agency did not get the verification requested on the May 16, 2016 verification request and denied Petitioner's Medicaid application on June 3, 2016.
8. Agency case notes show several contacts between the agency and Petitioner's attorney, POA and residence.

### **DISCUSSION**

Medicaid rules require recipients to verify relevant information, including assets. *Wis. Admin. Code, § DHS 102.03(3)(h)*. Agencies must allow at least 30 days from the date of application, or 10 days from the date of the request, whichever is later, to verify the information. *MEH, § 20.7.1.1*; see also *Wis. Admin. Code § DHS 102.03(1)*. Applicants and recipients must resolve questionable information, but workers must assist those who have "difficulty in obtaining" verification. Workers cannot deny eligibility to those who lack the ability to produce verification. *Id.*, 20.5. Further, the *MEH, at §20.1.4.*, directs that the agency "...use all available data exchanges to verify information rather than requiring the applicant to provide it." These instructions are consistent with medical assistance regulations. *Wis. Admin. Code, § DHS 102.03(1)*. Verification is often hard to gather, verification rules recognize these difficulties. Thus agencies can deny an application only "when the applicant or recipient is able to produce required verifications but refuses or fails to do so." *Wis. Admin. Code, § DHS 102.03(1)*. That section goes on to state: "If the applicant or recipient is not able to produce verifications, or requires assistance to do so, the agency may not deny assistance but shall proceed immediately to verify the data elements." Finally, over verification is to be avoided. *Id.*, §20.1.4.

The processing of this application got off to a slow start and then became confused because of the divorce. It was further confused by the May 3, 2016 denial notice followed by a reprocessing of the case as evidenced by the May 16, 2016 verification request. Though there was this verification request, Petitioner's attorney believed the case was already denied and filed this appeal. Also, it is not clear why the May 16, 2016 verification request was seeking information on an auto, an IRA and an account at a credit union other than the one noted on the application.

I am concluding that the case should not have been denied on either date. There is no refusal or failure to provide information here. Rather, the processing was complicated by the late start and confusion about the divorce.

### **CONCLUSIONS OF LAW**

That Petitioner's March 31, 2016 Medicaid application was incorrectly denied.

**THEREFORE, it is**

**ORDERED**

That this case is remanded to the agency with instructions to take the steps necessary to complete the processing of Petitioner's March 31, 2016 Medicaid application and certify as Medicaid eligible if he meets the eligibility criteria. This must be done within 10 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, 5005 University Avenue, Suite 201, 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 Milwaukee,  
Wisconsin, this 12th day of August, 2016

\s \_\_\_\_\_  
David D. Fleming  
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 August 12, 2016.

Winnebago County Department of Human Services  
Division of Health Care Access and Accountability  
Attorney [REDACTED]