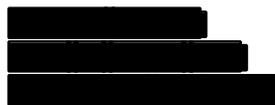




STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION
Case #: BCS - 174842

PRELIMINARY RECITALS

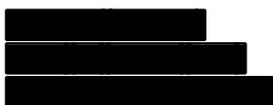
Pursuant to a petition filed on June 6, 2016, under Wis. Stat. § 49.45(5)(a), to review a decision by the Milwaukee Enrollment Services regarding Medical Assistance (MA), a hearing was held on July 13, 2016, by telephone.

The issue for determination is whether the agency erred in its termination of BC effective 7/1/16.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

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

By: [Redacted]
Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [Redacted]) is a resident of Milwaukee County.
2. Petitioner was a recipient of BC+ benefits.

3. In May of 2016 the agency learned of income to petitioner from employer [REDACTED]. The agency sent a request for verification of this income to petitioner on 5/9/16, specifically requesting recent pay stubs. The deadline for petitioner to send the pay stubs from this employer was 5/18/16.
4. Petitioner did not send the requested pay stubs because he was not sure that the documents he had would be satisfactory.
5. BC+ was discontinued due to the lack of response.
6. Petitioner appealed.

### DISCUSSION

At hearing, petitioner agreed to provide the verification that was requested. Petitioner stated that he had brought to hearing one pay stub from [REDACTED] reflecting disability income. Petitioner stated that the stubs would be provided to the county after the hearing. The agency said that it needed 3 months of pay history and would review the pay stubs and determine if BC+ should be reopened. Or, petitioner can reapply and provide the required income history.

### CONCLUSIONS OF LAW

The agency did not err in terminating BC+ effective 7/1/16 because petitioner failed to adequately respond to the request for verification.

**THEREFORE, it is**

**ORDERED**

That this 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, 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 Madison,  
Wisconsin, this 25th day of August, 2016

\s \_\_\_\_\_  
John P. Tedesco  
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 25, 2016.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability