



FH
[REDACTED]

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

In the Matter of

[REDACTED]

DECISION

BCS/142918

PRELIMINARY RECITALS

Pursuant to a petition filed August 08, 2012, under Wis. Stat. § 49.45(5)(a), to review a decision by the Jackson County Department of Human Services in regard to Medical Assistance, a hearing was held on September 21, 2012, at Black River Falls, Wisconsin.

There is no issue for determination because the petitioner has agreed to reapply for benefits.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

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

By: No Appearance

Jackson County Department of Human Services
420 Hwy 54 West
Black River Falls, WI 54615

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien

Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of Jackson County.
2. The county agency denied the petitioner's application for BadgerCare Plus on June 25, 2012, because she failed to verify her self-employment income.

3. The petitioner has not received any medical care since she applied for medical assistance and has agreed to reapply.

DISCUSSION

The county agency denied the petitioner's application for BadgerCare Plus on June 25, 2012, because she failed to adequately verify her self-employment income. She did fax a portion of her tax return to the agency before it was due, but this portion did not include the schedule that dealt specifically with her business income. After her application was denied, she provided the remaining tax information, and Tom Miller, who represented the agency at the hearing, testified that her file is now complete. When she indicated that she has not had any medical care since applying, I suggested that she reapply because a favorable decision would not help her: there are no retroactive benefits to issue and even if she prevailed on the issue of whether the agency properly denied her benefits because she did verify her income — which was unlikely—I could not find her eligible because I have no evidence before me concerning her finances. She agreed that the matter could be dismissed and that she would reapply.

CONCLUSIONS OF LAW

There is no issue for determination because the petitioner has agreed reapply for benefits.

THEREFORE, it is

ORDERED

The petitioner's appeal is dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found 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 appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Room 651, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Madison,
Wisconsin, this 21st day of September, 2012

Michael D. O'Brien
Administrative Law Judge
Division of Hearings and Appeals

c: Jackson County Department of Human Services - email
Department of Health Services - email



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on September 21, 2012.

Jackson County Department of Human Services
Division of Health Care Access and Accountability