



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]

DECISION

MQB/143051

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**PRELIMINARY RECITALS**

Pursuant to a petition filed August 09, 2012, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Barron County Department of Human Services in regard to Medical Assistance, a hearing was held on September 18, 2012, at Barron, Wisconsin.

The issue for determination is whether the county agency correctly ended the petitioner's Medicare Premium Assistance because he failed to verify essential information.

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: None

Barron County Department of Human Services  
Courthouse Room 338  
Barron, WI 54812

**ADMINISTRATIVE LAW JUDGE:**

Michael D. O'Brien  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. The petitioner (CARES # [REDACTED]) is a resident of Barron County.
2. The county agency notified the petitioner on June 28, 2012, that it was ending his Medicare Premium Assistance because he failed to verify his financial information.

3. The county worker did not appear at the hearing, and she did not submit any statement indicating what information is missing.

### DISCUSSION

The petitioner received Medicare Premium Assistance through one of the three subprograms meant to provide this assistance. *Medical Eligibility Handbook* . § 32.1. Each uses the same rules for determining financial eligibility as Medicaid. *Medicaid Eligibility Handbook*, § 32.1.1. Medicaid rules require recipients to verify various information. Wis. Adm. Code, § DHS 102.03(3) Agencies may deny applications if an applicant “is able to produce required verifications but refuses or fails to do so.” within 10 days of the date they are requested...” *Medicaid Eligibility Handbook*, § 20.7.1.1. *see also* Wis. Adm. Code § DHS 102.03(1).

The county agency ended the petitioner’s premium assistance benefits because he allegedly failed to verify essential information. The agency worker did not appear at the hearing or submit any statement indicating what information was missing. (I called her twice during the period in which the hearing was scheduled and her telephone was busy both times. She had not left a message by 9:26 a.m., which was shortly after the hearing ended. She did leave a message later, but because it would be improper to engage in ex parte communication, I did not respond to it.) The petitioner testified that the agency ended his benefits because he did not provide a receipt for “direct expense,” a financial service he indicated was available through the Social Security Administration so that those who could not get a regular bank account would have a place to deposit their social security payments. He indicated that the Social Security Administration automatically supplies information concerning these accounts to the county agency and that when one has such an account it is improper for the agency to ask for verification of it or a bank account.

I do not know if everything the petitioner testified to is correct, but it is the only evidence I have because no one from the agency appeared. Even if the petitioner is mistaken about some aspects of the required treatment of those without a regular bank account, the agency has not even established what, if any, missing information it based its denial on. I find, therefore, that it improperly ended the petitioner’s benefits. Because the sole reason it gave in its notice to him for denying the benefits was his alleged lack of verification, I will order it to reinstate his benefits.

### CONCLUSIONS OF LAW

The county agency has not established that the petitioner failed to verify essential information.

**THEREFORE, it is**

**ORDERED**

That this matter is remanded to the county agency with instructions that within 10 days of the date of this decision it reinstate the petitioner’s Medicare Premium Assistance benefits retroactive to the date that those benefits ended.

### **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 24th day of September, 2012

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

c: Barron 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 24, 2012.

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