



FH
[REDACTED]

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

In the Matter of

[REDACTED]

DECISION

BCS/143595

PRELIMINARY RECITALS

Pursuant to a petition filed September 04, 2012, under Wis. Stat. § 49.45(5)(a), to review a decision by the Sauk County Department of Human Services in regard to Medical Assistance, a hearing was held on September 27, 2012, at Baraboo, Wisconsin.

The issue for determination is whether the county agency correctly denied the petitioner's June 26, 2012 MA application – BadgerCare Plus – due to failure to verify her income.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

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

By: Julie Arendsee

Sauk County Department of Human Services
505 Broadway, 4th Floor
PO Box 29
Baraboo, WI 53913

ADMINISTRATIVE LAW JUDGE:

Peter McCombs (telephonically)
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Sauk County.
2. On June 26, 2012, petitioner applied BadgerCare Plus benefits. Exhibit 1.

3. On July 12, 2012, the mailed application was processed, and petitioner was sent a verification request regarding her Social Security number. The Social Security number was due by July 26, 2012. Exhibit 3.
4. On July 31, 2012, petitioner submitted her Visa, as she does not have a Social Security number. On that same date, respondent realized that it had not requested verification of income, and mailed a request for verification of petitioner's employment with [REDACTED]. The verification was due by August 9, 2012. See, Exhibit 2 and Exhibit 3.
5. The petitioner failed to timely submit to the county agency verification of petitioner's employment with [REDACTED]. Verification was received by the county agency on August 10, 2012. Exhibit 3.
6. On August 10, 2012, respondent sent petitioner a notice indicating that her application for BadgerCare benefits was denied due to her failure to provide required proof of income. Exhibit 1.

DISCUSSION

An applicant for MA or a representative acting on the applicant's behalf is responsible for providing the agency with full, correct, and truthful information. Wis. Adm. Code §DHS 102.01(6). Income and assets must be verified. §DHS 102.03(3) (a) and (h). MA shall be denied when the applicant is able to produce the required verification but fails to do so. §DHS 102.03(1). If the applicant is unable to produce the verification, the agency must assist her/him. Id.

The Department interprets those requirements in its Income Maintenance Manual, Chapter I, Part C. Asset and income verification is mandatory. IMM, I-C-9.3.0 & 9.1.0. The county shall deny benefits when all of the following are true: (1) the applicant has been given adequate notice of the verification required, (2) the verification is necessary to determine current eligibility, (3) the applicant has the power to produce the verification, (4) the time allowed to produce the verification has passed. IMM, I-C-3.3.0. The agency generally should allow **10 days for verification**, but it cannot deny an application until at least 31 days have passed since it was filed. IMM, I-C-5.1.0. In this case, the petitioner did not request any assistance from the county agency in obtaining asset verification.

During the September 27, 2012 hearing, respondent explained that petitioner's MA application was denied because petitioner failed to timely provide an employer verification of earnings form. The BadgerCare Plus Eligibility Handbook, §43.10 provides that an individual must meet all of the non-financial and financial eligibility criteria including timely verifying required earned and unearned income in order for the county agency to determine the petitioner's financial eligibility for MA.

The above policy is clear. Petitioner was required to timely provide the earnings verification to the county agency regarding her employment and income. At hearing, petitioner did not maintain that she failed to receive notices, nor that she had delivered the required proof in a timely fashion. She argued, however, that it apparently took a long time for the mail to reach her, and that she promptly submitted the form to her employer. She stated that she attempted to deliver the verification document to the respondent in person on the due date, but at 4:40 p.m. found that the respondent's office had closed for the day. The record reveals no evidence suggesting that petitioner ever contacted respondent prior to the due date to request additional time and/or assistance in obtaining the required proof.

I am somewhat troubled by the fact that the verification form prepared by petitioner's employer is August 7, 2012, but petitioner claims that she didn't receive it back from her employer until August 9, 2012. While the delay could have been the fault of the employer, it does not absolve the petitioner of her

responsibility to timely comply with BadgerCare verification requirements. The Notice of Proof Needed specifically states:

...If you do not provide the proof by the due date, benefits will be denied...

and

...Contact us right away if you have any questions or problems getting the proof and we will help you.

Exhibit 3.

I do not find the petitioner's arguments to be convincing or persuasive. Accordingly, based upon the above, I must conclude that the county agency correctly denied the petitioner's June 26, 2012 MA – BadgerCare Plus – application due to failure to verify her income eligibility.

CONCLUSIONS OF LAW

The county agency correctly denied the petitioner's June 26, 2012 MA – BadgerCare Plus – application due to failure to verify her income eligibility.

THEREFORE, it is

ORDERED

The petition for review herein be and the same is hereby 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 served and 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, 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 13th day of November, 2012

Peter McCombs
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 November 13, 2012.

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