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[REDACTED]

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

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In the Matter of

[REDACTED]

DECISION

MGE/143842

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**PRELIMINARY RECITALS**

Pursuant to a petition filed September 17, 2012, under Wis. Stat., §49.45(5), to review a decision by Brown County Human Services to deny Medical Assistance (MA), a hearing was held on October 25, 2012, by telephone.

The issue for determination is whether petitioner's representatives failed to verify information.

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]

Respondent:

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

By: Cookie Vercauteren  
Brown County Human Services  
111 N. Jefferson St.  
Green Bay, WI 54301

**ADMINISTRATIVE LAW JUDGE:**

Brian C. Schneider  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) was a resident of Brown County. She died on September 24, 2012.
2. An application for nursing home MA was filed on petitioner's behalf on July 5, 2012. On July 16, 2012, the county sent a notice requesting verification of petitioner's burial insurance and her whole life insurance policy. The deadline for providing the verification was August 6, 2012.

3. The verification was not received. By a notice dated August 9, 2012, the county denied the application.
4. Petitioner's representatives did not receive the verification notice.

### **DISCUSSION**

An MA applicant is required to verify information that can affect eligibility. Wis. Admin. Code, §DHS 102.03. If the applicant fails to verify required information by the time limit, the agency may deny the benefits. Wis. Admin. Code, §DHS 102.03(1).

The Department's MA Handbook, Appendix 20.8.3, provides:

Deny or reduce benefits when all of the following are true:

1. The member has the power to produce the verification.
2. The time allowed to produce the verification has passed.
3. The member has been given adequate notice of the verification required.
4. You need the requested verification to determine current eligibility. Do not deny current eligibility because a member does not verify some past circumstance not affecting current eligibility.

In this case adequate notice was provided. However, both petitioner's son, who acted as her representative in the application, and his wife testified that they never saw the verification request. When petitioner's son received the denial letter, he made a number of contacts to determine why the denial occurred. The matter was further confused because petitioner's son also received a notice denying health benefits because income was over the limit; that notice concerned Medicare premium assistance, but it can confuse people who are unfamiliar with the MA programs. Furthermore, the entire process was done on-line, so there was no contact between applicant and county worker. Thus the worker did not inform petitioner's son orally of the need to verify, and the entire case rests upon receipt of the written notice.

I conclude that petitioner's representative did not receive the verification notice. Although one was sent, the non-receipt meant that the representative was unable to produce the verification by the denial date. I thus will remand the case to the county to re-process the July 5, 2012 application.

### **CONCLUSIONS OF LAW**

Petitioner's representative could not produce the requested verification because he did not receive the verification request.

**THEREFORE, it is**

**ORDERED**

That the matter be remanded to the county with instructions to re- open petitioner's July 5, 2012 MA application and to process it with a new request for verification of assets, if needed. The county shall take the action within 10 days of this decision subject to any necessary processing delays.

### **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, 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 30th day of October, 2012

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Brian C. Schneider  
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 October 30, 2012.

Brown County Human Services  
Division of Health Care Access and Accountability