



FH
[REDACTED]

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

In the Matter of

[REDACTED]

DECISION

BCS/144306

PRELIMINARY RECITALS

Pursuant to a petition filed October 03, 2012, under Wis. Stat. § 49.45(5)(a), to review a decision by the Rock County Department of Social Services in regard to Medical Assistance, a telephonic hearing was held on October 24, 2012, at Janesville, Wisconsin. At the request of petitioner, the record was held open for two weeks for the county agency to review the petitioner's new good cause evidence presented at the hearing, and issue a reconsideration statement regarding petitioner's good cause claim.

The issue for determination is whether there is any remaining issue in dispute regarding the October 1, 2012 discontinuance of petitioner's BadgerCare Plus benefits due to alleged non-cooperation with child support agency.

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: Pam Edmonds, ES Supervisor
Rock County Department of Social Services
1900 Center Avenue
PO Box 1649
Janesville, WI 53546

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Rock County who received BadgerCare Plus benefits.
2. On June 21, 2012, the petitioner filed a Good Cause claim regarding cooperation with the child support agency.
3. The county agency sent an August 17, 2012 notice to the petitioner indicating that her good cause claim had been denied due to insufficient documentation to substantiate her claim.
4. The county agency sent an August 21, 2012 Notice of Decision to the petitioner stating that her BadgerCare Plus benefits would discontinue effective October 1, 2012, due to not cooperating with the child support agency and not establishing good cause.
5. During the October 24, 2012 hearing, the petitioner provided to the county agency representative evidence to substantiate her good cause claim. See above Preliminary Recitals.
6. After review and investigation of the new evidence, ES Supervisor Pam Edmonds sent a November 13, 2012 notice to the petitioner stating that her June 21, 2012 good cause claim was approved based on "physical and emotional harm to child and caretaker parent. "

CONCLUSIONS OF LAW

There is no longer any remaining issue in dispute because the county agency has approved petitioner's good cause claim for non-cooperation with the child support agency, and thus petitioner is entitled to the restoration of her BadgerCare Plus benefits retroactive to October 1, 2012.

THEREFORE, it is

ORDERED

The matter is remanded to the county agency with instructions to restore the petitioner's BadgerCare Plus benefits retroactive to October 1, 2012 for the reasons set forth in the above Conclusion of Law, within 10 days of the date of this Decision.

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 December, 2012

\sGary M. Wolkstein
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 December 13, 2012.

Rock County Department of Social Services
Division of Health Care Access and Accountability