



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]

DECISION

MGE/144580

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**PRELIMINARY RECITALS**

Pursuant to a petition filed October 15, 2012, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Outagamie County Department of Human Services in regard to Medical Assistance, a Hearing was held via telephone on November 21, 2012.

The issue for determination is whether it was correct to deny petitioner's January 31, 2012 application for Medical Assistance ["MA"] due to lack of verification.

There appeared at that time via telephone the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]

Respondent:

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

By: Kim Wunrow, ESS

Outagamie County Department of Human Services  
401 S. Elm Street  
Appleton, WI 54911-5985

**ADMINISTRATIVE LAW JUDGE:**

Sean P. Maloney  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Outagamie County.
2. On January 31, 2012 petitioner applied for MA; for uncertain reason petitioner's January 31, 2012 MA application was not assigned to a worker and not processed until August 30, 2012.

3. The County mailed petitioner a written request for verification of income and assets dated September 6, 2012 and entitled *Notice of Proof Needed*; the verification was due back to the County by October 1, 2012.
4. Petitioner never received the County's September 6, 2012 request for verification of income and assets entitled *Notice of Proof Needed*.
5. The County denied petitioner's January 31, 2012 application for MA due to lack of verification.

### **DISCUSSION**

Income and assets are required to be verified for MA. Wis. Admin. Code §§ DHS 102.03(3)(a) & (h) (December 2008); *Medicaid Eligibility Handbook* ["MEH"], 20.3.1.4 & 11. MA must be denied when an applicant is able to produce required verification, has been provided adequate notice of the verification required, and refuses or fails to produce the required verification. Wis. Admin. Code § DHS 102.02 & 102.03(1) (December 2008); MEH 20.8.3.

In this case petitioner testified that he lived at a motel until August 16, 2012. He testified that the Post Office would not forward mail from the motel. He testified that he told the hotel to hold his mail but the motel would not do so. He testified that he checked the motel for mail every 3 days but that he never received the County's September 6, 2012 request for verification of income and assets entitled *Notice of Proof Needed*. I find the testimony of petitioner to be credible.

The evidence in the record of this matter does not support a conclusion that petitioner has refused or failed to provide the requested verification after adequate notice was given. The time period for processing an application for MA is 30 days. An MA applicant must be advised of the specific verifications required within the 30 day processing time. MEH 20.7.1.1. In this case the County did not mail the notice until 7 months after the date of application. This is not adequate notice. For this reason it was not correct to deny, due to lack of verification, petitioner's January 31, 2012 application for MA.

### **CONCLUSIONS OF LAW**

For the reasons discussed above, it was not correct to deny, due to lack of verification, petitioner's January 31, 2012 application for MA.

**NOW, THEREFORE, it is**

### **ORDERED**

That this matter be REMANDED to the County, that the County not deny, due to lack of verification, petitioner's January 31, 2012 application for MA, and that, within 10 days of the date of this *Decision*, the County complete processing of petitioner's January 31, 2012 MA application and issue all MA benefits (if any) for which petitioner is otherwise eligible retroactive to January 31, 2012. The 10-day time period in this *Order* may be extended if verification is still required from petitioner -- but it may only be extended by the number of days between the time the County requests verification in writing and the time petitioner provides the requested verification to the County.

## **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 27th day of November, 2012

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\sSean P. Maloney  
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 27, 2012.

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