



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

BCS/146675

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**PRELIMINARY RECITALS**

Pursuant to a petition filed January 15, 2013, under Wis. Stat. § 49.45(5)(a), to review a decision by the Dane County Department of Human Services in regard to Medical Assistance, a hearing was held on February 08, 2013, at Madison, Wisconsin.

The issue for determination is whether the county agency correctly denied the petitioner's November 30, 2012 BadgerCare (BC) Plus application due to failure to timely verify required employment information and income to the county agency.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

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

By: Phillip Brandel, ESS  
Dane County Department of Human Services  
1819 Aberg Avenue  
Suite D  
Madison, WI 53704-6343

**ADMINISTRATIVE LAW JUDGE:**

Gary M. Wolkstein  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Dane County who resides with her minor son.
2. The petitioner applied for BadgerCare (BC) Plus benefits in a September 25, 2012 application and that application was denied. The petitioner again applied for BC benefits in a November 30, 2012 application.

3. The county agency sent an October 4, 2012 written request to the petitioner for her to verify her income and employment with H & M Clothing Store and confirm her school enrollment by October 25, 2012. The petitioner received the verification request.
4. The petitioner did not submit the required employment and school verification to the county agency by October 25, 2012 or even by December 3, 2012.
5. The county agency sent a December 3, 2012 Notice of Decision to the petitioner stating that her November 30, 2012 BC application was denied due to failure to timely provide the requested employment verification to the county agency.

### DISCUSSION

BadgerCare (BC) is a medical insurance program for working families, mandated by Wis. Stat., §49.665, and implemented July 1, 1999. The statute specifies two eligibility criteria. First, **an applicant family cannot have income greater than 185% of the poverty line.** Wis. Stat., §49.665(4)(a)1. Second, the family cannot have access to employer-subsidized health care coverage. Wis. Stat., §49.665(4)(a)2 and 3. In addition, the statute allows the department to establish additional eligibility requirements. Wis. Stat., §49.665(4)(a)4. A person is eligible if s/he meets all non-financial and financial requirements. Medicaid Eligibility Handbook, § 1.1.1. (This is available online at <http://www.emhandbooks.wi.gov/meh/>).

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).** (Emphasis added). If the applicant is unable to produce the verification, the agency must assist her/him. Id. An application must be processed within 30 days of its filing date. §DHS 102.04(1); §DHS 104.01(10). If there is a delay in securing information, the agency must notify the applicant of the delay and the reason for the delay. §DHS 102.04(1).

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.

During the February 8, 2013 hearing, the county agency ESS worker, Phillip Brandel, established that the county agency correctly and properly denied the petitioner's November 30, 2012 BadgerCare (BC) application, due to failure to timely verify required employment and income information. During the hearing, petitioner admitted that she did not timely submit to ESC the required employment and income verification. She alleged that she contacted her employer, but that the employer did not provide to her or the county agency the requested verification. However, petitioner did not request an extension of time from the county agency to obtain the verification, and petitioner did not request any county assistance in obtaining the employer verification.

The petitioner did not establish with any reliable evidence any good cause for failing to timely provide her employment verification to the county agency. The petitioner was unable to refute the county agency's case regarding the denial of her BC application. Accordingly, for the above reasons, the county agency correctly denied the petitioner's November 30, 2012 BadgerCare Plus application due to failure to timely verify required employment information and income to the county agency.

**CONCLUSIONS OF LAW**

The county agency correctly denied the petitioner's November 30, 2012 BadgerCare (BC) Plus application due to failure to timely verify required employment information and income to the county agency.

**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 4th day of April, 2013

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\sGary M. Wolkstein  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

David H. Schwarz  
Suite 201  
5005 University Avenue  
Madison, WI 53705-5400

Telephone: (608) 266-3096  
FAX: (608) 264-9885  
email: [DHAmail@wisconsin.gov](mailto:DHAmail@wisconsin.gov)  
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on April 4, 2013.

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