



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

BCS/146762

PRELIMINARY RECITALS

Pursuant to a petition filed January 18, 2013, under Wis. Stat. § 49.45(5)(a), to review a decision by the Vernon County Human Services in regard to Medical Assistance, a telephonic hearing was held on February 25, 2013, at Viroqua, Wisconsin.

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: Tom Miller, ES Supervisor for Western Region for Economic Assistance
Vernon County Human Services
318 Fairlane Drive, Suite 100
Viroqua, WI 54665-6131

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

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FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Vernon County who resides with her husband and three children.
2. On November 4, 2012, petitioner applied for BadgerCare Plus benefits solely for her daughter, LB.

3. The county agency sent a December 4, 2012 verification request to the petitioner which incorrectly only provided 9 days until the due date for the petitioner to submit her verification to the county agency.
4. The petitioner timely provided her verification to the county agency on December 14, 2012.
5. The county agency sent a December 14, 2012 Notice of Decision to the petitioner stating that her BC Plus application was denied due to failure to timely submit verification.
6. During the February 25, 2013 hearing, the county representative stipulated that: a) the petitioner timely submitted her verification to the Western Region for Economic Assistance; and b) the Western Region agency will process the petitioner's BC Plus application for her daughter retroactive to November 4, 2012, and issue a new notice of decision indicating whether she was eligible for BC Plus retroactive to November 4, 2012.
7. The petitioner concurred with the stipulation set forth in Finding of Fact #6 above.

THEREFORE, it is

ORDERED

The matter is remanded to the Western Region for Economic assistance (**Attention: ES Supervisor Tom Miller**) with instructions to process the petitioner's BC Plus application for her daughter retroactive to November 4, 2012 and issue a new notice of decision indicating whether she was eligible for BC Plus retroactive to November 4, 2012, 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 26th day of February, 2013

\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 February 26, 2013.

Vernon County Human Services
Division of Health Care Access and Accountability