FH
[redacted]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[redacted]
c/o [redacted]
[redacted]

DECISION

MGE/147447

PRELIMINARY RECITALS

Pursuant to a petition filed February 14, 2013, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the St. Croix County Department of Human Services in regard to Medical Assistance, a hearing was held on March 20, 2013, at New Richmond, Wisconsin.

The issue for determination is whether the agency correctly denied the petitioner's application for medical assistance because he has not verified his assets.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:
Petitioner:

[redacted]
c/o [redacted]
[redacted]

Petitioner's Representative:

Attorney Jennifer A. O'Neill
900 Crest View Drive Suite 220
Hudson, WI 54016

Respondent:

Department of Health Services
1 West Wilson Street
Madison, Wisconsin 53703
By: Angie Magoon
St. Croix County Department of Human Services
1445 N. Fourth Street
New Richmond, WI 54017-1063

ADMINISTRATIVE LAW JUDGE:
Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [redacted]) is a resident of St. Croix County.
2. The petitioner applied for medical assistance on December 28, 2012. The county agency denied his benefits on February 5, 2013, the agency requested that the petitioner

3. On January 25, 2013, the CDPU requested that the petitioner verify various assets. He has not provided all of these verifications by February 4, 2013. He has not provided all of these verifications.

DISCUSSION

Medicaid rules require recipients to verify assts. Wis. Admin. Code, § DHS 102.03(3)(h). According to Wis. Admin. Code, § DHS 102.03(1):

> An application for MA shall be denied when the applicant or recipient is able to produce required verifications but refuses or fails to do so….If the applicant or recipient is not able to produce verifications, or requires assistance to do so, the agency may not deny assistance but shall proceed immediately to verify the data elements

Agencies must allow at least 30 days from the date of application or 10 days from the date of the request, whichever is later, to verify the information. *Medicaid Eligibility Handbook,* § 20.7.1.1. *see also* Wis. Adm. Code § DHS 102.03(1). Medical assistance policy instructs when to approve or deny an application:

> Begin or continue benefits when:
> 1. The member provides requested verification within the specified time limits and is otherwise eligible.
> 2. Requested verification is mandatory, but the member does not have the power to produce the verification and s/he is otherwise eligible

Medicaid Eligibility Handbook, § 20.8.1.

> 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

On January 25, 2013, the CDPU requested that the petitioner verify various assets. When he did not do so by February 4, 2013, the county agency denied his application. His attorney appeared without any witnesses to contradict this, and his attorney agrees that he has not demonstrated that he has complied with all of the requirements for being eligible. As a result, I must uphold the denial.

CONCLUSIONS OF LAW

The county agency correctly denied the petitioner's application for medical assistance because he has failed to verify his assets.

THEREFORE, it is **ORDERED**

The petitioner's appeal is 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 10th day of April, 2013

_____

\sMichael D. O'Brien
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
Internet: http://dha.state.wi.us

The preceding decision was sent to the following parties on April 10, 2013.

St. Croix County Department of Human Services
Division of Health Care Access and Accountability
jennifer@oneillelderlaw.com